

By: Senator(s) Bean

To: Judiciary

SENATE BILL NO. 2528
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 43-1-23, MISSISSIPPI CODE OF 1972, TO
2 GRANT SUBPOENA POWER TO THE FRAUD INVESTIGATION UNIT OF THE STATE
3 DEPARTMENT OF HUMAN SERVICES; AND FOR RELATED PURPOSES. BE IT
4 ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5
6 SECTION 1. Section 43-1-23, Mississippi Code of 1972, is
7 amended as follows:

8 43-1-23. (1) There is created within the State Department
9 of Human Services a separate administrative unit to be known as
10 the "Fraud Investigation Unit." The Fraud Investigation Unit
11 shall be headed by a director appointed by the Executive Director
12 of the department. The Director of the Fraud Investigation Unit
13 shall be a person who is knowledgeable in the programs
14 administered by the department. The Fraud Investigation Unit
15 shall be responsible for:

16 (a) Conducting investigations for the purpose of aiding
17 the department in the detection of and verification of the
18 perpetration of fraud or abuse of any program by any client, any
19 vendor of services with whom the department has contracted or any
20 employee of the department, and for the aiding of the department
21 in the recoupment of any funds owed to the department as a result
22 of fraud or abuse;

23 (b) The notification and forwarding of any information
24 relevant to possible criminal violations to the appropriate
25 prosecuting authority and assisting in the prosecution of any case
26 referred to a prosecutor, if requested; and

27 (c) Such other duties as prescribed in regulations of

28 the department.

29 (2) The Fraud Investigation Unit is authorized to employ
30 such other investigative, technical, secretarial and support staff
31 as may be necessary.

32 (3) In order to carry out the responsibilities of the Fraud
33 Investigation Unit, the investigators may request and receive
34 assistance from all state and local agencies, boards, commissions,
35 and bureaus including, without limitation, the State Tax
36 Commission, the Department of Public Safety, and all public and
37 private agencies maintaining data banks, criminal or other records
38 that would enable the investigators to make verification of fraud
39 or abuse in violation of state or federal statutes. All records
40 and information shall be confidential and shall be available only
41 to the Fraud Investigation Unit, district or county attorneys, the
42 Attorney General, and courts having jurisdiction in criminal
43 proceedings.

44 (4) The department is authorized to enter into contracts
45 with other agencies administering aid or benefits or services
46 under any state or federally funded assistance program which need
47 the assistance of the department's Fraud Investigation Unit.

48 (5) To accomplish the objectives and to carry out the duties
49 prescribed in this section, the executive director, or his
50 designee, in addition to the powers conferred by this section, may
51 issue subpoenas with the approval of, and returnable to, a judge
52 of the circuit or chancery court, in termtime or in vacation, to
53 examine the records, documents or other evidence of persons,
54 firms, corporations or any other entities insofar as such records,
55 documents or other evidence relate to dealings material to an
56 investigation.

57 SECTION 2. This act shall take effect and be in force from
58 and after January 1, 2000.