By: Representatives Steverson, Gibbs (72nd)   To: Insurance

HOUSE BILL NO.   44

1   AN ACT TO AMEND SECTION 7-5-307, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT INSURERS AND OTHER PERSONS WHO REPORT INSURANCE FRAUD
3 ARE IMMUNE FROM CIVIL LIABILITY IF THE REPORTING IS MADE IN GOOD
4 FAITH; AND FOR RELATED PURPOSES.

5   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6   **SECTION 1.** Section 7-5-307, Mississippi Code of 1972, is

7 amended as follows:

8   7-5-307. (1) If any workers' compensation provider, health

9 insurance provider, employee of the Workers' Compensation

10 Commission or other person or entity has a belief or has any

11 information that a false or misleading statement or representation

12 or fraud or fraudulent denial has been made in connection with or

13 relating to a workers' compensation claim or in connection with or

14 relating to any insurance claim in relation to an insurance plan

15 as defined in Section 7-5-303, such person or entity may report

16 such belief to the Insurance Integrity Enforcement Bureau, furnish

17 any information which may be pertinent and cooperate in an

18 investigation conducted by the bureau. Investigators for the

19 Insurance Integrity Enforcement Bureau are authorized law

20 enforcement officers and they are authorized to investigate and

21 exercise such powers as are granted to other authorized law

22 enforcement officers; however, the Insurance Integrity Enforcement

23 Bureau and its investigators and personnel shall not have any

24 authority to impede, interfere with or control the operations and

25 functions of the Mississippi Workers' Compensation Commission.

26   (2) No insurer, employees or agents of any insurer, or any

27 other person acting without malice, fraudulent intent or bad

28 faith, shall be subject to civil liability for libel, slander or

29 any other similar tort, and no civil cause of action of any nature

30 shall exist against such person or entity by virtue of the filing

31 of reports or furnishing other information, either orally,

32 electronically or in writing, concerning suspected, anticipated,

33 or completed acts which are or might be violations of Sections

34 7-5-301 through 7-5-311 or for violations of any other criminal

35 act arising from cases of insurance fraud when such reports or

36 information are provided to:

37   (a) The Insurance Integrity Enforcement Bureau or other

38 law enforcement officials, their agents and employees; or

39   (b) The National Association of Insurance

40 Commissioners, the Mississippi Insurance Department, a federal or

41 state agency or bureau established to detect and prevent

42 fraudulent insurance acts or any other organization established

43 for the same purpose, their agents, employees or designees.

44   (***** ***** *****3) Prosecutions for violations under Sections 7-5-301

45   through 7-5-311 or for violations of any other criminal law

46   arising from cases of insurance fraud, may be instituted by the

47   Attorney General, his designee or the district attorney of the

48   district in which the violation occurred, and shall be conducted

49   in the name of the State of Mississippi. In the prosecution of

50   any criminal proceeding in accordance with this subsection by the

51   Attorney General, or his designee, and in any proceeding before a

52   grand jury in connection therewith, the Attorney General, or his

53   designee, shall exercise all the powers and perform all the duties

54   which the district attorney would otherwise be authorized or

55   required to exercise or perform. The Attorney General, or his

56   designee, shall have the authority to issue and serve subpoenas in

57   the investigation of any matter which may violate Sections 7-5-301

58   through 7-5-311 or any matter relating to insurance fraud which

59   may violate any criminal law.

60   (***** ***** *****4) The Attorney General, or his designee, shall

61   notify the Workers' Compensation Commission when the Insurance

62   Integrity Enforcement Bureau opens or closes or otherwise disposes

63   of an investigative file relating to workers' compensation fraud.

64   Such notification shall be confidential and shall not be subject

65   to release to any third party except as otherwise provided by law.

66   After such notification, it is solely within the discretion of the

67   Mississippi Workers' Compensation Commission whether to modify or

68 alter the proceedings in any such workers' compensation claims

69 from the normal course of proceedings.

70 (*** * ***5) On or before January 1 of each year, the Insurance

71 Integrity Enforcement Bureau shall file a report with the Senate

72 and House of Representatives Insurance Committees detailing its

73 work during the preceding calendar year and shall include the

74 following:

75 (a) The number and types of cases or complaints

76 reported to the bureau;

77 (b) The number and types of cases assigned for

78 investigation;

79 (c) The number of criminal warrants issued and the

80 types of cases;

81 (d) The number and types of cases referred to a

82 district attorney for prosecution;

83 (e) The number and types of cases retained by the

84 Attorney General for prosecution;

85 (f) The number and types of cases closed without

86 prosecution;

87 (g) The number and types of cases closed by the

88 district attorney without prosecution;

89 (h) The number and types of cases pending; and

90 (i) The amount of actual expenses of the bureau during

91 the preceding year classified by the types of cases.

92   (*** * ***6) The jurisdiction of the Insurance Integrity

93 Enforcement Bureau shall not infringe upon any matters under the

94 jurisdiction of the Medicaid Fraud Control Unit created in Section

95 43-13-201 et seq.

96   **SECTION 2.** This act shall take effect and be in force from

97 and after July 1, 2018.

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~ **OFFICIAL** ~
ST: Insurance fraud; provide civil immunity for
certain reporting when done in good faith.