

AN ACT

ENTITLED, An Act to make certain provisions for a program of recoveries and fraud investigations in the Department of Social Services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That chapter 28-1 be amended by adding thereto a NEW SECTION to read as follows:

The department shall have a program of recoveries and fraud investigations to collect debts owed the department and to investigate allegations of fraud in all department assistance programs. Any fraud investigator for this program may:

- (1) Initiate and conduct any investigation if the program has cause to believe that a fraudulent act has been committed by a recipient of assistance from department programs;
- (2) Review any report or complaint of an alleged fraudulent act to determine whether such report requires further investigation and conduct such investigation;
- (3) Obtain access to any record related to residence, household composition, employment, finances and resources, and medical records as authorized by the Health Insurance Portability and Accountability Act of 1996 (HIPAA), PL 104-199, as amended through January 1, 2005, to assist in investigation of an alleged fraudulent act and may require by administrative subpoena the production of any book, record, or other information; and
- (4) Cooperate with federal, state, and local law enforcement, prosecuting attorneys, and the attorney general in the investigation and prosecution of any fraudulent act where public assistance has been granted or applied for under the welfare laws of this state.

Section 2. The program may take any collection action provided for in state and federal law and regulation to recover debts owed the department.

Section 3. All investigative records and files of the program established pursuant to this Act are confidential. No investigative record may be released except to department personnel, federal, state,

and local law enforcement, prosecuting attorneys, and the attorney general in the investigation and prosecution of fraudulent acts. No investigative record or file may be released to any other person except pursuant to a court order. All collection files are confidential. No collection file may be released except in accordance with recipient confidentiality requirements of the department.

Section 4. The secretary of the Department of Social Services shall annually report to the Governor and the Legislature concerning the activities of the program including the number and type of cases investigated, the outcome of such investigations, and costs and expenditures incurred during such investigations.

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I certify that the attached Act originated in the

HOUSE as Bill No. 1011

Chief Clerk

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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1011
File No. _____
Chapter No. _____

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Received at this Executive Office this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby approved this _____ day of _____ , A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____ , 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State