

LEGISLATURE OF NEBRASKA
ONE HUNDRED SECOND LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 478

Introduced by McCoy, 39.

Read first time January 18, 2011

Committee: Banking, Commerce and Insurance

A BILL

- 1 FOR AN ACT relating to insurance; to adopt the Nebraska Insurance
- 2 Claims Fraud Prevention Act.
- 3 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 3 of this act shall be known and
2 may be cited as the Nebraska Insurance Claims Fraud Prevention Act.

3 Sec. 2. For purposes of the Nebraska Insurance Claims
4 Fraud Prevention Act:

5 (1) Capper, runner, or steerer means a person who
6 receives a financial benefit from a practitioner, whether directly or
7 indirectly, for procuring or attempting to procure a client, patient,
8 or customer at the direction or request of or in cooperation with a
9 practitioner in violation of the act. Capper, runner, or steerer does
10 not include a practitioner who procures a client, patient, or
11 customer through the use of public media;

12 (2) Practitioner means a health care provider, the owner
13 of a health care practice or facility, or any person employed or
14 acting on behalf of such persons; and

15 (3) Public media means a telephone directory,
16 professional directory, newspaper or other periodical, radio or
17 television, a health fair, an informational booth, or other public
18 marketing display, and written communications mailed or sent
19 electronically that do not involve in-person contact with a
20 prospective client, patient, or customer.

21 Sec. 3. (1) It shall be unlawful for a practitioner,
22 directly or through a paid intermediary, to solicit a client,
23 patient, or customer for financial benefit within thirty days after a
24 motor vehicle accident involving the client, patient, or customer
25 with the intent to seek benefits under a contract of insurance or to

1 assert a claim against the client, patient, or customer, any other
2 insured involved in the motor vehicle accident, or a governmental
3 entity or an insurer on behalf of the client, patient, or customer.
4 Violation of this subsection is punishable by a fine not to exceed
5 one thousand dollars for each violation. Such fine shall be collected
6 by the Department of Insurance.

7 (2) It shall be unlawful for a practitioner to compensate
8 or give anything of value to a person to obtain a recommendation from
9 such person or to secure his or her employment by a client, patient,
10 or customer if the practitioner's intent is to seek benefits under a
11 contract of insurance or to assert a claim against the client,
12 patient, or customer or a governmental entity or an insurer on behalf
13 of the client, patient, or customer. Violation of this subsection is
14 punishable by a fine not to exceed one thousand dollars for each
15 violation. Such fine shall be collected by the Department of
16 Insurance. This subsection does not prevent a practitioner from
17 procuring a client, patient, or customer through the use of public
18 media.

19 (3) It shall be unlawful for any person in an individual
20 capacity, as a public or private employee, or as an agent for any
21 association, partnership, firm, or corporation to act as a capper,
22 runner, or steerer for a practitioner. Violation of this subsection
23 is punishable by a fine not to exceed one thousand dollars for each
24 violation. Such fine shall be collected by the Department of
25 Insurance. This subsection does not prohibit an attorney or a health

1 care provider from making a referral and receiving compensation as is
2 permitted under the applicable code of conduct.

3 (4) All money collected by the department pursuant to
4 this section shall be remitted to the State Treasurer for
5 distribution in accordance with Article VII, section 5, of the
6 Constitution of Nebraska.