Health Care Investigations and Prosecutions

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Who are the players?
- Law Enforcement: HHS-OIG, FBI, DEA
- Prosecutors: State AG, DOJ, Local Prosecutor
- Whistleblowers

DOJ Priorities:
- AAG Criminal Division – Kenneth A. Blanco
- Medicare Strike Forces model – focusing on “hot spot” cities for billing fraud, e.g., Chicago and Detroit.
- Use of data analytics to identify “suspicious billing patterns and emerging schemes.”
- “Pushing out the data . . . to U.S. Attorney’s Offices”
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- "focusing even more attention to other current issues plaguing our country, such as the opioid abuse epidemic."

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July 13, 2017 – AG Sessions announces the "largest health care fraud takedown operation in American history."

- Charges brought against 472 persons – including 56 doctors
- 121 charged with opioid-related crimes
- 21 U.S.C. § 841 penalizes the unauthorized distribution of controlled substances
- United States v. Moore, 423 U.S. 122 (1975)
  - Practitioner must examine patient
  - Practitioner must issue a prescription for a legitimate medical purpose

Additional charges for health care fraud under 18 U.S.C. § 1347 for billing Medicare for medically unnecessary office visits, treatments and tests.

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W.D.K.Y. brought charges against three physicians and their Primary Care LLC.

- Not Indiana
- Reckless homicide
- I.C. § 16-42-19-20 penalizes issuing a prescription for other than a legitimate medical purpose
  - Followed U.S. v. Moore.
  - Indiana "Dealing" statutes apply to licensed physicians who write prescriptions for scheduled drugs
  - A physician that has issued prescriptions without legitimate medical purpose or outside the usual course of medical practice may be vulnerable to prosecution.
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Friday, September 22, 2017

Department of Justice Awards Nearly $59 Million to Combat Opioid Epidemic, Fund Drug Courts

- Financial assistance to state, local, and tribal governments to create comprehensive diversion and alternatives to incarceration programs
- HHC of Marion County received $300K for overdose outreach
- Indiana CJII received approximately $1M for updated technology to link opioid offenders with services and to maintain databases to collect and analyze Rx data

Questions?