Topics for Discussion

• Fraud statistics and recoveries

• Recent cases locally and around the country

• Recent policies and their impact on health care providers
FY 2018 Statistics

- $2.5 billion collected for health care fraud
- Civil cases only – does not include criminal restitution
- Qui tam suits filed – 645 nationally

Cases

Amerisource Bergen Corp. -- $625 million. Largest recovery in FY18.

United Therapeutics Corp. -- $210 million.

DaVita Medical Holdings -- $270 million
Quality Therapy & Consultation and four nursing home facilities -- $9.7 million.

Chiropractor Henry Posada – 5 years in jail and $4 million in restitution.

Dr. Jorge Sfeir, Carmencita and Emmanuel Agno, Jacqueline Tuanqui – all home health fraud.

Opioid cases:

Jacqueline Green at Allcare Discount Pharmacy in Chicago.

Mohammad Sharif – Midtown Medical Center
DOJ Policies and Practices

False Claims Act penalties –

$5,500 to $11,000 per false claim

2016 -- $10,781 to $21,563 per false claim

Currently, $11,181 to $22,363 per false claim

Credit for Cooperation

Credit for voluntary disclosures already exists.

Criminal defense bar sought guidelines on credit for cooperation in criminal cases.

CMS Rule on Affiliations

Effective date – November 4, 2019

42 C.F.R. section 424.519

Defines affiliations and disclosable events