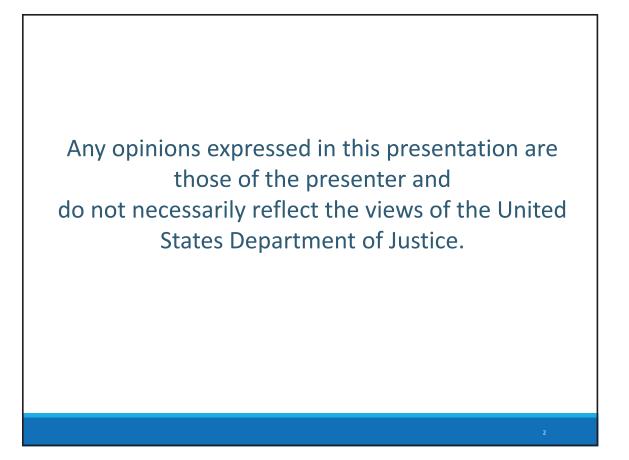


Jill O. Venezia Health Care Fraud Coordinator Southern District of Texas Jill.Venezia@usdoj.gov 713-567-9511



Why have a Whistle Blower Statute?

•Informs the Government of fraud, which would otherwise go undetected.

•Whistle Blowers and their attorneys supplement Government resources.

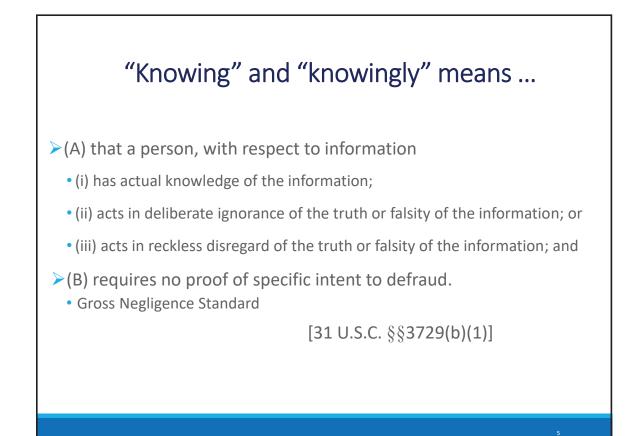
•The threat of Whistle Blowers within an organization deters fraud.

The False Claims Act 31 U.S.C. Sections 3729-33

Any person who "knowingly presents, or causes to be presented, a false or fraudulent claim for payment or approval."

-[31 U.S.C.§§3729(a)(1)(A)]

Post *Escobar* Materiality and Scienter



False claim must be "material"

"Material" means having a natural tendency to influence, or be capable of influencing, the payment or receipt of money or property."

> Reaffirmed by the Supreme Court's opinion in *Escobar*.

"Holistic" approach, including on whether the Government would pay had it known the claim was false. Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the <u>UT Law CLE eLibrary (utcle.org/elibrary)</u>

Title search: Enforcement Trends Across the Heathcare Industry

Also available as part of the eCourse <u>Enforcement Trends and Labor and Employment Issues in the Healthcare</u> <u>Industry</u>

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