

## The False Claims Act Enforcement and Investigations

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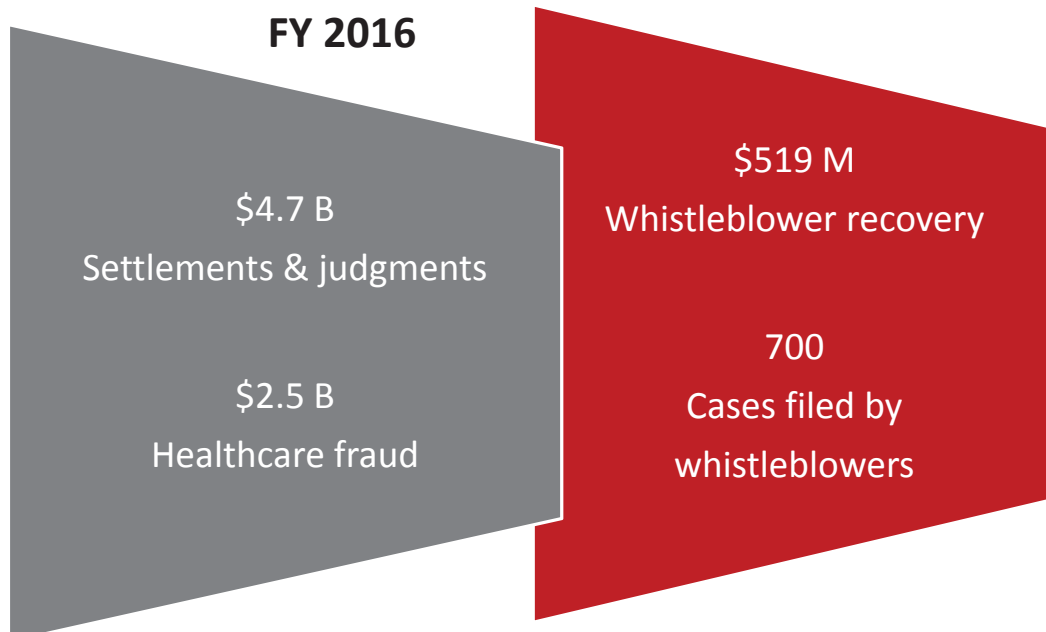
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## FCA Enforcement Stats

**FY 2016**



# Federal False Claims Act

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- |      |   |
|------|---|
| 1863 | FCA targets corruption by private contractors to the Union Army |
| 1986 | Amendments lower burden of proof and relax prior knowledge bar  |
| 2009 | Amendments expand liability and reach of FCA                    |
| 2010 | Additional amendments   |



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# Whistleblower

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**“Use a rogue to catch a rogue.”**

- Actions brought on behalf of the federal government by a private party having direct knowledge of the fraud
- Whistleblowers or “qui tam relators” may receive up to 30% of recovery



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## Liability

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- **Imposes civil liability on a person or corporation that**
  - Knowingly presents, or causes to be presented, a false or fraudulent claim for payment or approval;
  - Knowingly makes, uses, or causes to be made or used, a false record or statement material to a false or fraudulent claim; or
  - Conspires to commit a False Claims Act violation
  - And more ...

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## “Knowing” or “Knowingly”

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- **Means that persons or corporations, with respect to information**
  - Have actual knowledge of the information;
  - Act in deliberate ignorance of the truth or falsity of the information; or
  - Act in reckless disregard of the truth or falsity of the information; and
- **Requires no proof of specific intent to defraud**

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Also available as part of the eCourse

[Healthcare Enforcement Issues \(2017\): Stark Law Update and Recent Trends in FCA Enforcement](#)

First appeared as part of the conference materials for the  
29<sup>th</sup> Annual Health Law Conference session

"Recent Trends in the False Claims Act and Government Enforcement"