



Enforcement Trends

B. Scott McBride

Morgan, Lewis & Bockius LLP

Sean R. McKenna

Law Office of Sean McKenna, PLLC

Enforcement Outlook

- Federal and State Health Care Budget Shortfalls
- Perception that Fraud is Rampant
- More State and Federal Enforcement Officials
- New Reimbursement Models Increasing Referral “Tensions”
- Greater Collaboration DOJ, CMS, and Private Payors
- Use of Data Analytics will continue to drive enforcement
- Increased Focus on Individual Actors

Enforcement Landscape

Parallel Investigations

Criminal, Civil, Administrative

Individual Accountability

For corporate wrongdoing

Interagency Cooperation

Includes state and local gov't

Data Analytics

Data mining, targeted codes, suspicious
billing patterns

Amplified Penalties & Exclusion Authority

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Trump Administration Agenda

Under AG Sessions, the DOJ has advised the public it will continue the previous administrations stance on corporate misconduct

- The department will continue to investigate and prosecute individual wrongdoers for corporate misconduct
- The federal government will “not use criminal authority unfairly to extract civil payments”
- The Yates Memo will be refined and made more “clear and more concise”

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Parallel Investigations

- **DOJ policy statement**

“We in the Criminal Division have recently implemented a procedure so that all new *qui tam* complaints are shared by the Civil Division with the Criminal Division as soon as the cases are filed. Experienced prosecutors in the Fraud Section are immediately reviewing the *qui tam* cases when we receive them to determine whether to open a parallel criminal investigation.”

Assistant Attorney General, Leslie Caldwell

Sept. 17, 2014

Individual Accountability for Corporate Wrongdoing

- **DOJ policy statement (Yates Memo)**

“One of the most effective ways to combat corporate misconduct is by seeking accountability from the individuals who perpetrated the wrongdoing . . . [accountability] it deters future illegal activity, it incentivizes changes in corporate behavior . . . and it promotes the public’s confidence in our justice system.”

Deputy Attorney General, Sally Quillian Yates

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30th Annual Health Law Conference session

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