



# 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

3

## 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”

4

## 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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