

# Enforcement Trends

**B. Scott McBride**

*Morgan, Lewis & Bockius LLP*

**Wilson G. Jones**

*Thompson & Knight LLP*

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## 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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## COVID-19 Funding

- The COVID-19 pandemic has resulted in legislative acts involving trillions of dollars in funding to be used to help address various issues brought on by the pandemic.
  - Families First Coronavirus Response Act
  - CARES Act
  - Paycheck Protection Program and Healthcare Enhancement Act
  - Consolidated Appropriations Act
- The COVID-19 pandemic has also impacted the healthcare industry beyond the financial funding.

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## COVID-19 Enforcement

- The DOJ is focused on detecting and prosecuting fraud related to the COVID-19 pandemic funding sources and activities.
  - “Coronavirus-related wrongdoing will continue to be a DOJ priority for the foreseeable future.”
  - The DOJ “will make it a priority to use the False Claims Act to combat fraud in the Paycheck Protection Program” and “other assistance programs created by the CARES Act.”
  - The DOJ notes that “To anyone thinking of using the global pandemic as an opportunity to scam and steal from hardworking Americans, my advice is simple – don’t.” “No matter where you are or who you are, we will find you and prosecute you to the fullest extent of the law.”

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## COVID-19 Enforcement

- Potential Issues:
  - False representation on funding eligibility
  - Misuse of funds
  - False certification on loan forgiveness
- The CARES Act includes certain enforcement oversight.
  - Pandemic Response Accountability Committee to provide oversight of the funds made available under the CARES Act.

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## COVID-19 Enforcement

- Some COVID-19 enforcement actions include:
  - Misappropriation of funds through inappropriate or inflated expenses
  - Misappropriation of funds through shell companies
  - Selling and promoting fake and unlawful cures or treatments
  - Kickbacks for personal protective equipment; fake PPE
  - Making false statements to federally insured banks to influence those banks to approve a PPP loan

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Title search: Enforcement Trends Across the Healthcare Industry

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

"Enforcement Trends Across the Healthcare Industry"