

The False Claims Act Enforcement and Investigations

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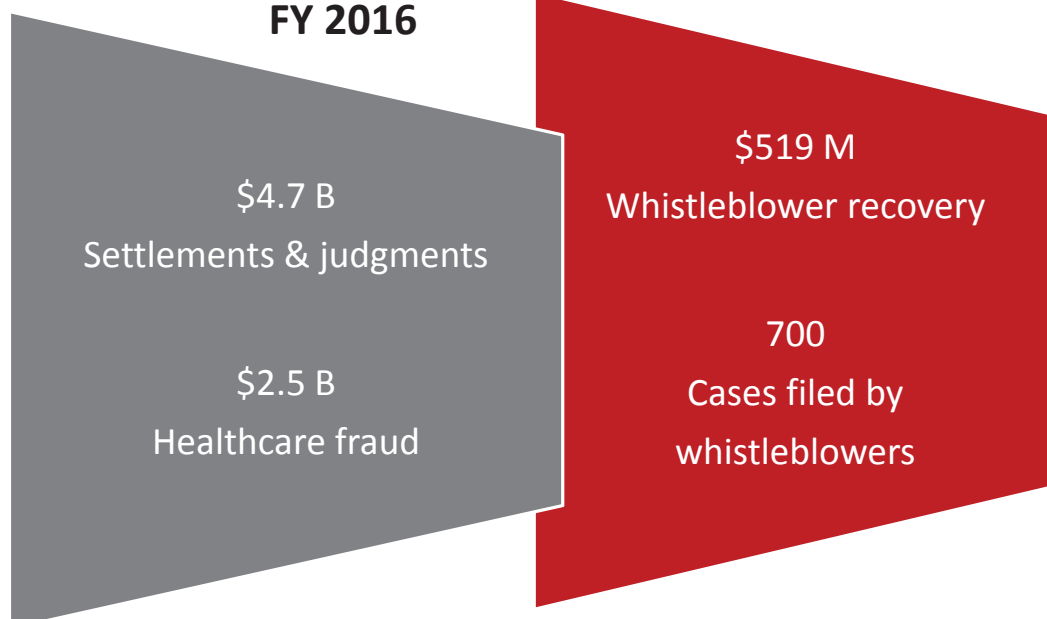
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FCA Enforcement Stats

FY 2016



Federal False Claims Act

- | | |
|------|---|
| 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

“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

- **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”

- **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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First appeared as part of the conference materials for the
29th Annual Health Law Conference session

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