



Enforcement Trends Across the Healthcare Industry

B. Scott McBride

Morgan, Lewis & Bockius LLP

Wilson G. Jones

Bracewell LLP

Enforcement Environment

- False Claims Act
- Civil Monetary Penalties
- Data Analytics
- Interagency Cooperation
- Parallel Investigations
- Individual Accountability
- Regulatory Enhancements
- Overpayment Liability

Enforcement Environment

- Department of Justice
 - Civil
 - Criminal
- HHS OIG
- HHS OCR
- HHS OAS
- State AG offices
- State OIGs
- State auditing
- Contractor activities
- Commercial payors

Pandemic Related Fraud

- 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

Pandemic Related Fraud

- 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.”

Pandemic Related Fraud

- Pandemic Response Accountability Committee to provide oversight of the funds made available under the CARES Act.
- Special Inspector General for Pandemic Recovery
- DOJ Appointment of Associate Deputy Attorney General to serve as Director for COVID-19 Fraud Enforcement

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: Enforcement Trends Across the Healthcare Industry

Also available as part of the eCourse

[2022 Health Law eConference](#)

First appeared as part of the conference materials for the
33rd Annual Health Law Conference session

"Enforcement Trends Across the Healthcare Industry"