

GOVERNMENT INVESTIGATIONS AND THE FALSE CLAIMS ACT

Hall Render's attorneys are experienced in resolving many compliance-related issues before they grow into aggravated litigation matters with the government. Our attorneys have successfully assisted health care clients in a wide range of areas, including government investigations and regulatory compliance. We have also resolved issues with the government under the False Claims Act and other civil enforcement statutes to avoid further action by the government. If the case does turn into litigation, however, our trial and appellate attorneys have the experience to aggressively represent our clients' interests. Our counsel regularly assist and guide clients through the complex maze of health care statutes, rules and regulations that are increasingly becoming the focus of investigations by the government.

Value Proposition: Litigators Paired with Health Care Experience

Hall Render's Government Investigations and FCA Task Force offers a value proposition by combining experienced litigators with deep subject matter knowledge. With the government's ever-increasing focus on the health care sector, and the higher stakes for both entities and individuals resulting from the Supreme Court's decision in the *Escobar* case and the Department of Justice's Yates Memo, having experienced health care counsel to assist in such matters is critical and cost-effective, as it allows for more nuanced and sophisticated arguments grounded in the law and derived from prominent health care attorneys already familiar with the issues being raised.

The issues confronting targeted providers in these cases include, but are not limited to, complex and vague Medicare and Medicaid reimbursement regulations, Stark Law and Anti-Kickback Statute matters, questions of medical necessity, FDA requirements, usual and customary pricing matters, teaching physician supervision regulations, clinical trials and federal research grant compliance, clinical laboratory regulations, DME compliance, coding issues and other health care laws and regulations.

Hall Render's team includes reimbursement attorneys as well as former clinicians, which provides a significant advantage in developing arguments and defenses related to complex reimbursement matters, reviewing medical records and understanding potential defenses from a clinical perspective. This, in turn, assists in defending providers against enforcement activity and minimizing potential financial exposure.

AREAS OF FOCUS

- False Claims and Reverse False Claims
- FCA Retaliation Actions
- Fraud Enforcement and Recovery Act (FERA)
- Regulatory Compliance Issues
- Relators and Qui Tam Actions
- State False Claims Acts
- Whistleblower Suits

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We assist health care providers and entities in navigating these investigations from the initial receipt of a subpoena, civil investigative demand, informal inquiry letter or other contact from the government and extending through the negotiation and final case resolution, including parallel criminal inquiries.

Vast Amount of Experience with OIG, DOJ and CMS

Our experience includes inquiries originating from the Department of Justice, United States Attorney Offices, the Office of the Inspector General, the Centers for Medicare & Medicaid Services, the Health Resources and Services Administration, the Drug Enforcement Administration, the Federal Bureau of Investigation, Medicaid Fraud Control Units, state offices of inspector general and state attorneys general.

We also have extensive experience representing many provider types involving a broad range of conduct that includes self-disclosures to the Office of the Inspector General, the Centers for Medicare & Medicaid Services, the Department of Justice, the Health Resources and Services Administration and other appropriate government agencies.

Internal Investigations: Getting Ahead of the Issue

When conducting internal investigations, we regularly work through the attorney-client privilege and work product doctrine, as appropriate, to internally investigate compliance issues with the provider. We have experience performing independent investigations for Boards of Trustees/Directors and Audit Committees who may have concerns regarding certain conduct within a health care entity's organization. This includes work under Sarbanes-Oxley for Boards of publicly traded companies.