



September 25, 2014

Assistant Attorney General Announces Stepped Up Use of False Claims Act in Criminal Health Care Fraud Investigations

By Richard J. Oparil

The head of the Department of Justice's Criminal Division announced in a speech the "stepped up" use of the False Claims Act (FCA) in the prosecution of health care fraud. Speaking at the Taxpayers Against Fraud Education Fund Conference on September 17, Assistant Attorney General Leslie R. Caldwell said that civil FCA qui tam cases will be "a vital part of the Criminal Division's future efforts" to bring criminal fraud prosecutions. Under new procedures, the Civil Division of the Justice Department will share qui tam complaints with criminal prosecutors as soon as those cases are filed. Prosecutors, Caldwell said, "are immediately reviewing the qui tam cases when we receive them to determine whether to open a parallel criminal investigation."

Caldwell went on to say that: "Those prosecutors then coordinate swiftly with the Civil Division and U.S. Attorney's Offices about the best ways to proceed in the parallel investigations. If a case raises potential criminal issues and needs investigative support, we have ready access to experienced fraud investigators from the FBI, HHS-OIG, the Postal Inspection Service and numerous other law enforcement agencies. And we have a wealth of experience in successfully bringing parallel investigations. We do this in many contexts, not only with the Civil Fraud section and U.S. Attorney's Offices, but with the SEC and

EDITORIAL TEAM

Principals

Kevin M. Bell

202.517.6325

kmbell@pbnlaw.com

Scott A.M. Chambers, Ph.D.

202.517.6324

sachambers@pbnlaw.com

Richard J. Oparil

202.517.6323

rjoparil@pbnlaw.com

Counsel

Matthew J. Laskoski

202.517.1919

mjlaskoski@pbnlaw.com

Associates

B. Dell Chism

202.517.6314

bdchism@pbnlaw.com

Caroline C. Maxwell

202.517.1988

cemaxwell@pbnlaw.com

other regulatory agencies, here and abroad." She encouraged members of the group preparing civil complaints to reach out to criminal authorities, saying that "[t]he sooner we on the criminal side learn about potential criminal conduct, the sooner we can investigate. And the earlier we begin our investigation, the more legal tools and investigative techniques we have available to us. We can add real value to the investigation, working either in partnership with a U.S. Attorney's Office or on our own."

Caldwell's speech also discussed the work of Medicare Fraud Strike Forces - teams of investigators and prosecutors from the Departments of Justice and Health and Human Services, and state and local law enforcement agencies. She noted that the Strike Forces are using "cutting-edge, real-time analysis of data from CMS" to investigate fraud, particularly for Medicare Part D schemes. She also said that the prosecution of corporations involved in health care fraud would be stepped up. "Corporate health care fraud cases are a natural fit for us in light of our health care fraud expertise and our prosecutions of corporate cases in the financial fraud and foreign bribery arenas. We have numerous ongoing corporate health care fraud investigations, and we are determined to bring more."

Caldwell has headed the Criminal Division since May 2014. From 2002 to 2004, she directed the Enron Task Force. The full text of Caldwell's speech is available [here](#).

Matthew D. Zapadka
202.517.6313
mdzapadka@pbnlaw.com

CONNECT WITH US



 [Join Our Mailing List](#)

 [Send to a Colleague](#)