

False Claims Act Defense

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The False Claims Act (FCA) has fast become one of the federal government's preferred vehicles for recouping monies from providers of services, grant recipients and many others who have only an indirect connection to government funding. With its treble damages, \$11,000 per claim penalty, and potential for debarment, the FCA tends to get the attention of companies and organizations in a hurry. To make things even more interesting, the FCA changes regularly, with evolving common law theories created and modified by the courts and through regular and aggressive amendments by Congress. In addition, Minnesota has its own FCA that covers contractors with the state, counties, cities, and school districts.

Our team has handled dozens of FCA investigations and lawsuits across the country, including the representation of orthopedic surgeons in antikickback and off-label FCA litigation, anesthesiologists in billing fraud litigation, a large multispecialty medical clinic in several cases involving alleged reimbursement and National Institutes of Health (NIH) grant fraud, construction contractors in change order and disadvantaged business enterprise matters, a municipality in grant-related litigation, and a host of other clients. We represent companies, management, individuals and professionals in these cases, whether high-profile, bet-the-company litigation or early stage investigations. Our goal is always to resolve the case on the best possible terms for the client.

Experience

Representative Cases

- An academic health center, a large health system, an HMO, and surgeons in separate FCA lawsuits.
- Several hospitals in two nationwide FCA reimbursement investigations.
- A medical device company in FCA litigation involving antikickback and off-label promotion allegations.
- A major medical device company in FCA litigation involving complex global trade and compliance allegations.
- A major multispecialty medical center in FCA litigation alleging overpayment fraud. The district court dismissed the complaint, and the Eighth Circuit affirmed the dismissal.
- A municipality in high-profile FCA litigation related to allegedly falsified HUD grant applications. The district court dismissed the complaint, and the Eighth Circuit affirmed the dismissal.

- A large group of surgeons in federal antikickback investigation and FCA lawsuit, which was dismissed by district court and affirmed by the First Circuit.
- A hospital in FCA litigation involving alleged regulatory violations. The district court dismissed the complaint, and the Eighth Circuit affirmed the dismissal.
- An academic institution's physician practice group in an FCA lawsuit alleging fraud in the graduate medical education program.
- An emergency physician group in an FCA investigation alleging upcoding.
- An anesthesiology group in an FCA lawsuit alleging \$1 billion Medicare fraud.
- An academic medical center in an FCA lawsuit alleging NIH grant fraud.
- A Department of Transportation contractor in a major "Disadvantaged Business Enterprise" FCA lawsuit.
- A rural physician in alleged overutilization FCA litigation.
- A medical center in nationwide investigational device FCA litigation.
- A physician clinic in an antikickback FCA lawsuit.
- Numerous additional FCA investigations that resulted in no legal proceedings being initiated against our clients.