

False Claims Act

False Claims Act (FCA) investigations and litigation—ranging from the disruptive to the existential—pose legal, financial, and reputational risks for health care providers. At Hooper, Lundy & Bookman, we marshal the talents and insights of attorneys with extensive and varied FCA experience to consistently achieve positive resolutions, dissuade government intervention, or defeat claims outright.

With a team of lawyers that includes former prosecutors and white-collar defense lawyers, all of whom focus exclusively on health care matters, HLB has amassed a lengthy track record of success parrying claims brought under the FCA and its state law equivalents. Our lawyers understand what draws the attention of relators and the scrutiny of regulators who aggressively and increasingly wield the FCA as a potent weapon. They know why and how government attorneys conduct investigations and why and how they decide to intervene in a case. And they also recognize that while many whistleblower complaints may lack merit or arise from good-faith judgments or honest errors, all such claims require serious attention and thoughtful and strategic responses.

Our attorneys have represented health care providers and suppliers in many high-profile criminal and civil fraud and abuse cases, including the largest federal health care fraud investigation in U.S. history and countless state and federal whistleblower lawsuits.

We partner with our clients across the country to manage and defend FCA investigations and claims from inception to conclusion. We conduct internal audits and investigations, respond to subpoenas and civil investigative demands, and negotiate with the Department of Justice, CMS, HHS, state attorneys general, and other federal and state authorities to resolve matters expeditiously and favorably. If the government or a relator pursues a civil or criminal case, HLB's FCA litigators have the courtroom acumen and health care knowledge to mount a powerful and effective defense.

HLB has protected clients' interests across the health care spectrum when they face FCA concerns and claims, including hospitals and health systems, academic medical centers, physician groups, behavioral health providers, skilled nursing facilities, ancillary service providers, and manufacturers and distributors of pharmaceuticals and medical supplies. The subjects of the FCA investigations and claims we have handled are equally wide-ranging and have included hospice services, DME issues, hospital and skilled nursing facility cost reporting and billing issues, DRG coding, emergency room physician billing, laboratory billing, therapy billing, quality of care issues, alleged worthless services, psychiatric services issues, physician billing and coverage issues, and Stark Law and Anti-Kickback matters. HLB also has extensive experience handling state-level false claims matters, including those involving the California Insurance Frauds Prevention Act.

Our attorneys are widely recognized in the industry and by their peers for their FCA work, frequently speaking and publishing articles on fraud and abuse topics. HLB lawyers authored the Health Care Compliance Association's essential guidebook, *False Claims in Healthcare*. HLB has also been called upon to represent national and statewide associations as amicus curiae in several False Claims Act-related cases.