

Mintz Attorneys Discuss Top Health Care Fraud Issues to Watch in 2015

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Bloomberg BNA recently published a Health Care Fraud Report entitled [Outlook 2015: Uptick Expected in Stark, Anti-Kickback FCA Cases, Self-Disclosures](#), which examines the top issues for health care providers and suppliers to watch in 2015.

My colleagues [Tom Crane](#) and [Larry Freedman](#) were quoted extensively in the article, and they discussed a broad range of health care fraud and abuse issues to watch, including the:

- Continuing growth of provider self-disclosures to the [Centers for Medicare & Medicaid Services](#) ("CMS") and the [Office of Inspector General](#) ("OIG");
- Possible collateral uses by relators of the information about financial relationships between drug and device manufacturers and physicians and teaching hospitals disclosed as part of CMS's [Open Payments](#) program (i.e., the "Sunshine Act");
- Proposed new safe harbors to the Anti-kickback Statute and the so-called "gainsharing" Civil Monetary Penalties Law;
- Use of statistical sampling as evidence of a wider scope of false claims to prove liability in litigation under the False Claims Act ("FCA");
- Increasing focus by the Department of Justice and relators on FCA claims based upon physician compensation arrangements with hospitals, including potential Stark Law violations;
- Continuing questions about the viability of a "worthless services" theory of liability under the FCA; and
- Recovery Audit Contractor program changes.

Authors



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