

Health Care Enforcement Review and 2017 Outlook: Major Case Developments

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Today, my colleagues Laurence Freedman, Samantha Kingsbury, and Karen Lovitch released the latest in our ongoing series reviewing health care enforcement activities in 2016 and their impacts looking forward to 2017. The [client alert](#) highlights major case law developments that influenced health care enforcement in 2016 and that will likely have major effects on the health care industry in the year ahead.

The [client alert](#) addresses the following issues raised by these important cases and what each might mean in 2017:

- Implied false certification theory and materiality requirement (*Escobar*)
- Anti-Kickback Statute discount exception and safe harbor (*Organon*; *CCS Medical*)
- Proof of falsity in False Claims Act medical necessity cases (*AseraCare*)
- Statistical sampling to prove liability in False Claims Act cases (*Agape*; *Life Care Centers of America*)

Please refer to our *Health Care Enforcement Review and 2017 Outlook blog post series* for additional insights on key government policies, regulations, and enforcement actions from 2016 and their expected impact on health care enforcement in the year ahead. We also encourage you to sign up for our annual webinar, *Health Care Enforcement Review & 2017 Outlook*, which will take place on Wednesday, January 25 at 1:00 p.m. ET. Registration and additional information are available [here](#).

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