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WHISTLEBLOWER ATTORNEYS

HEALTHCARE FRAUD LAWSUITS AND SETTLEMENTS ARE ON THE RISE

Harvard professor and healthcare expert Atul Gawande recently explained that unnecessary medical care endangers patients, and healthcare fraud, more common than we think, embezzles money from taxpayers. In a recent article published in *The New Yorker*, Gawande cited healthcare fraud as a major contributor

to what researchers describe as “low-value care.” Gawande, a general surgeon, remarked that “doctors get paid for doing more, not less,” and that a vast percentage of Medicare patients receive wasteful and unnecessary care. Dr. Gawande’s full article is available to read **here** on *The New Yorker’s* website.

AS A HEALTHCARE WORKER, REPORTING MEDICARE/MEDICAID FRAUD IS YOUR DUTY. UNDER THE FALSE CLAIMS ACT, **YOU MAY BE ENTITLED TO A CASH AWARD.**





6 TIPS FOR HEALTHCARE WORKERS WHEN REPORTING MEDICARE/MEDICAID FRAUD

1

What is a False Claims Act case? – A False Claims case, often referred to as a whistleblower case, is a case brought by an individual on behalf of the government. The sole purpose of the case is to return money that was fraudulently obtained from the government. If a case is settled or successfully litigated, the individual who initiated the case is entitled to a portion of the government's recovery.

2

Is there a time limit on when a case can be filed? – As soon as you learn about the fraud, you should file a case and report it. The False Claims Act statute specifies that a case must be filed within six years from the date of the violation or three years from the date the Government knew, or should have known, about the fraud.

3

If I file a case, will my company know who filed it? – Eventually, yes. However, all whistleblower cases are filed "under seal," and the company will not be given a copy of the lawsuit. The law requires the case to stay under seal for at least sixty days while the government investigates. The lawsuit will only be made public once the investigation has been completed.

4

Am I protected against retaliation from my company? – Yes, there are special provisions to protect whistleblowers from retaliation. An employee receives the protection of the law if he or she can show that the retaliation is directly attributed to the False Claims lawsuit. A lawsuit can be brought against an employer if the employee is threatened, harassed or discriminated against.

5

What should I look for? – Some examples include: **Provider billing fraud:** billing for services not actually rendered, overbilling and "up-coding." **Illegal referral fees or kickback schemes:** financial incentives, direct or indirect, in consideration for patient referrals. **Drug manufacturer/medical device fraud:** improper financial incentives can affect the medical judgment of the treating physician.

6

Consult with an experienced attorney early – A Whistleblower may face concerns and conflicting loyalties. Due to the complexity of whistleblower laws, you should seek competent legal advice as soon as you learn of the fraud. Our experienced Whistleblower Team will confidentially review the facts and evidence, and provide important legal advice about the best course of action to take.

To find out more, [contact us](#) for a free case evaluation.



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