

OHSU Integrity, the Federal False Claims Act, and You

OHSU takes fraud and waste seriously. The following is information about federal and state laws designed to prevent and detect fraud and abuse in federal health care programs, remedies & responsibilities under such laws, and protections available to anyone who reports concerns about fraud, waste, or abuse.

The OHSU Board of Directors adopts OHSU policies for preventing and detecting fraud, waste, and abuse as set out in the OHSU Integrity Program Roles & Responsibilities and Program Elements document and in the Clinical Compliance Program document located at <http://ozone.ohsu.edu/healthsystem/dept/hcc/>

Federal False Claims Act (FCA)

What it Does:

- Allows a civil action to be brought against a health care provider who:
 - Knowingly presents or causes to be presented, a false or fraudulent claim for payment or approval to any federal employee;
 - Knowingly makes, uses, or causes to be made or used, a false record or statement to get a false or fraudulent claim paid; or
 - Conspires to defraud the government by getting such a claim allowed or paid.
- Some examples of false claims:
 - Billing for a procedure knowing that the procedure was not performed;
 - Knowingly billing multiple times for the same procedure;
 - Knowingly billing for a higher level procedure than the procedure actually performed; and
 - Purposely failing to report excess or improper payments received.

Remedies for Violation of the FCA:

- A false claims action may be brought by the federal government.
- An individual may file a qui tam (“whistleblower”) false claims action.
- A violation of the FCA is punishable by a penalty between \$5,500 and \$11,000 per false claim, plus 3 times the damages incurred by the government.
- An FCA claim must be made within 6 years of the violation.

Oregon Law: Under Oregon law, a provider commits a crime if the provider knowingly submits a claim for health care payment to which the provider is not entitled. Oregon law also prohibits knowingly submitting false, duplicate, or previously-reimbursed claims to Medicaid and accepting Medicaid payment for services not actually provided.

Protections for Whistleblowers: Federal and state laws prohibit punishing, disciplining, discriminating or retaliating against an employee because the employee reports or discloses information about false claims or initiates or assists in a false claims action. An employee who believes he or she is the victim of unlawful discipline, discrimination or retaliation may file a complaint with the Oregon Bureau of Labor and Industries.

What you should do if you think OHSU may have made a False Claim:

- If you learn of a bill or payment request that seems improper or appears to be a false claim, you should promptly:
 - Report the situation to your supervisor, manager, or other superior, an Integrity Officer, or call the Integrity Program Hotline (see reporting procedures in [Section M, Page M-1](#) of this Code of Conduct).
 - You may report the concern directly to the Federal Department of Justice.
 - **Section N of this OHSU Code of Conduct contains additional resource information and links to websites that present more information about the FCA and OHSU policies.**