

**FRAUD AND ABUSE (FALL 2013)**  
**COURSE #5372**

Adjunct Professor: Donna S. Clark  
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Time: 5:00 – 7:30 p.m.  
Wednesdays

**Course Objectives:** This course examines the federal and state laws imposing criminal and civil penalties on health care providers for a variety of fraudulent activities. The course explores the implications of the federal and state Anti-Kickback Laws, the federal anti-referral (Stark) law, the federal civil monetary penalty and exclusion laws, and the federal and state false claims laws.

**Course Requirements and Grading:**

**Requirements:** Attendance is required per Law Center attendance policy. Participation in class discussions is expected and, as set forth below, will comprise a portion of the grade.

**Grading:** There will be no final examination. Grades for the course will be determined as follows:

1. Completion of two short written exercises – maximum 5 pages (40% each)
  - First exercise due October 30
  - Second exercise due November 20
2. Class Participation (20%) – presentation of at least one “Hot Topic” and participation in problem workshops

**Text:** Carrie Valiant and David E. Matyas, *Legal Issues in Healthcare Fraud and Abuse: Navigating the Uncertainties*, Fourth Edition

<b>COURSE OUTLINE</b>	
August 28	Orientation and Introduction
September 4	Agency/Process Overview Text: Chapter 1
September 11	Anti-Kickback Law – Overview, History, Case Law, Administrative Interpretations Text: Chapter 2, pp 17-24, 58-89
September 18	Anti-Kickback Law – Statutory Exceptions/Safe Harbors Text: Chapter 2, pp. 24-57
September 25	Anti-Kickback Law – Hot Topics/Problem Workshop
October 2	Stark Law – Overview, History, Case Law, Ownership Exceptions Text: Chapter 3, pp. 111-126, 133-135, 157-159
October 9	Stark Law Compensation Exceptions – Group Practice Issues Text: Chapter 3, pp. 126-157
October 16	Stark Law – Hot Topics/Problem Workshop
October 23	Civil/Criminal False Claims – Overview, Statutes, Case Law Text: Chapter 4, pp. 169-208
October 30	False Claims – Preparing the Case/Plaintiff's View
November 6	Civil Money Penalties Law/Medicare Program Exclusion Text: Chapter 5, pp. 231-258
November 13	State/Private Insurance Initiatives Text: Chapter 6
November 20	Corporate Compliance and Self-Reporting Text: Chapter 7
November 27	Representation of Clients Under Investigation Text: Chapter 9
December 4	Review