

FRAUD AND ABUSE (FALL 2014)
COURSE #5297

Adjunct Professor: Donna S. Clark
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Time: 5:30 – 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 29
 - Second exercise due November 19
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

COURSE OUTLINE	
August 27	Orientation and Introduction
September 3	Agency/Process Overview Text: Chapter 1
September 10	Anti-Kickback Law – Overview, History, Case Law, Administrative Interpretations Text: Chapter 2, pp 19-29, 68-97
September 17	Anti-Kickback Law – Statutory Exceptions/Safe Harbors Text: Chapter 2, pp. 30-68
September 24	Anti-Kickback Law – Hot Topics/Problem Workshop
October 1	Stark Law – Overview, History, Case Law, Ownership Exceptions Text: Chapter 3, pp. 131-154, 164-167, 200-208
October 8	Stark Law Compensation Exceptions – Group Practice Issues Text: Chapter 3, pp. 154-164, 167-200
October 15	Stark Law – Hot Topics/Problem Workshop
October 22	Representation of Clients Under Investigation Text: Chapter 9
October 29	Criminal False Claims – Overview, Statutes, Case Law, Practice Trial Text: Chapter 4, pp. 254-265
November 5	Civil False Claims – Overview of Law, Preparing the Case/Plaintiff's View Text: Chapter 4, pp. 225-254
November 12	Civil Money Penalties Law/Medicare Program Exclusion Text: Chapter 5
November 19	Corporate Compliance and Self-Reporting Text: Chapter 7