

Standard:

AccessCNY and its employees and all affected individuals shall not make or submit any false or misleading entries on any claim forms. No employee or affected individual shall participate, direct, or assist another person to submit a false or misleading entry on claims or documentation of services that result in the submission of a false claim.

Overview of the Federal False Claims Act

The False Claims Act, 31 U.S.C. 3729 *et seq.*, is a federal law designed to prevent and detect fraud, waste and abuse in federal healthcare programs, including Medicaid and Medicare. Under the False Claims Act, anyone who “knowingly” submits false claims to the Government is liable for damages up to three times the amount of the erroneous payment plus mandatory penalties of \$10,000 - \$50,000 for each false claim submitted.

- The definition of “knowingly” includes a person who:
- Has actual knowledge of falsity of information in the claim
- Acts in deliberate ignorance of the truth or falsity of the information in the claim
- Acts in reckless disregard of the truth or falsity of the information in the claim

Whistleblower or “Qui Tam” Provisions

In order to encourage individuals to come forward and report misconduct involving false claims, the False Claims Act contains a “Qui Tam” or whistleblower provision.

The Government, or an individual citizen acting on behalf of the Government can bring actions under the False Claims Act. The individual taking action, “whistleblower” and has information regarding the false claims may file a lawsuit on behalf of the U.S. Government. If the lawsuit is successful, and provided certain legal requirements are met, the whistleblower may receive an award ranging from 15% - 30% of the amount recovered.

The False Claims Act provides provisions which prohibit discrimination by AccessCNY against any employee, former employee, contractor or agent for taking lawful actions.

Please refer to the Whistleblower Policy for more information.

New York State False Claims Act:

The State False Claims Act is very similar to the Federal False Claims Act. It also imposes fines and penalties on individuals and agencies that file false and fraudulent claims for payment from any state or local government, including health care programs such as Medicaid. The New York State False Claims Act also includes similar whistleblower provisions.