The DRA requires all entities receiving $5,000,000 or more from the state Medicaid program to provide employees with information concerning the FCA. The FCA, which was enacted in the wake of Civil War profiteering, imposes civil liability on organizations and individuals that make false claims to the government for payment. Under the FCA, anyone who violates the act is liable for a civil penalty of not less than $5,500 to $11,000 per claim, plus three times the amount of the damages the government sustains. Additional punishment includes excluding violators from participating in Medicare, Medicaid, and other government programs. Anyone intentionally participating in the submission of a false claim may also be liable to the United States government for the costs of a civil action brought to recover any penalties or damages.

Each individual employee can be held liable under the FCA if he/she:

- Knowingly present the government with a false claim for payment or approval,
- Knowingly makes a false statement to get a fraudulent claim paid by the government,
- Conspires to defraud the government by getting a false or fraudulent claim paid,
- Knowingly makes a false record or statement to conceal, avoid, or decrease an obligation to pay the government, or
- Causes a false claim to be submitted.

"Knowing" is defined under the FCA to include the submission of a claim in “reckless disregard” of the truth or falsity of the claim or “deliberate ignorance” of its propriety. Managerial staff can be held accountable in situations where they refuse to explore a credible concern about the compliance requirements for a particular bill, claim, or practice.

It is essential that each individual employee become aware of areas of compliance affecting his/her duties, whether he/she is involved in medical record documentation or other areas of chart completion, coding, or charge entry. Even the dates of service submitted with physician services - are all subject to the FCA. All areas of patient care, from scheduling appointments to finalizing account receivables must be clear, accurate, and in compliance with all rules and regulations.

The OUHSC Billing Compliance Office promotes compliance through it audits and teaching activities but it remains the responsibility of each provider and staff member involved in the documentation, coding and billing process to be in compliance with federal, state and other regulatory agencies. The Billing Compliance Office provides our physicians, providers and other staff with compliance oversight and support through group and individual training and education, documentation and coding reviews, coding recommendations and ongoing assessments of compliance risks.

**Reporting Compliance Concerns**

Under the University of Oklahoma Compliance and Quality Improvement Program, all University employees have a duty to report possible wrongdoing or suspected violations of applicable federal and state laws and regulations. The University has an open door policy available to all employees acting in good faith to encourage communication, dialogue and the reporting of incidents of potential wrongdoing or suspected violations. The University will not retaliate or discriminate against any employee who makes a good faith report of a suspected violation regarding the observed conduct or actions by another person by reason of such a report being made.

In the event that you discover a compliance error that could lead to a violation of the FCA, you should bring it to the attention of your immediate supervisor who can in turn work with the Director of Compliance to investigate and rectify problems. Additional lines of communication between all employees and the Director of Compliance are available by calling 405-271-2511 or through e-mail at ou-compliance@ouhsc.edu. There also is an anonymous hotline available for reporting potential non-compliance which is available 24 hours a day at 405-271-2223 or toll free at 886-836-3150. The call will not be traced and the caller need not give his/her name.
**Qui tams**

*Qui tam* is a legal term meaning that those with evidence of fraud against federal programs or contracts can sue the wrongdoer on behalf of the government. The FCA contains provisions that allow employees, competitors, and third parties to bring suits on behalf of the government as *qui tam* relators. A *qui tam* relator or *whistleblower* is the one who originally brings the information to the court as a plaintiff. If the government believes the case has merit, the government will pursue the matter by investigating and prosecuting the entity and recovering damages under the FCA. The relator may be entitled to receive from 10% to 25% of the final settlement or judgment. If the government declines to intervene in the whistleblower lawsuit, the relator can proceed on his/her own to trial under the FCA allegations, and receive up to 30% of the settlement.

The University of Oklahoma will meet our compliance obligations and avoid accusations under the FCA as long as each individual employee remains conscientious in doing their job correctly. Your compliance program depends on your help to ensure the University’s culture of compliance.