

False Claims and Elder Justice Acts

False Claims Act

General Compliance Standards and Procedures False Claims Act

Reference(s): 31 U.S.C. 3729-3733

Definitions

1. Fraud: An intentional (willful or purposeful) deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to him/herself or some other person. It includes any act that constitutes fraud under applicable Federal or State law.

2. False Claims Act: The provisions under the FCA state that it is a violation to:

a. Knowingly present or cause to be submitted a false claim to the government.

I. For purposes of this section, the terms “knowledge” and “knowingly” mean that a person, with respect to information:

a) has actual knowledge of the information;

b) acts in deliberate ignorance of the truth or falsity of the information, or

c) acts in reckless disregard of the truth or falsity of the information and no proof of specific intent to defraud is required.

b. Knowingly use a false record or statement to obtain payment on a false claim paid by the government.

c. Engage in a conspiracy to defraud the government by the improper submission of a false claim for payment.

Damages and penalties for violating the FCA may include:

- *Civil penalties of not less than \$5,500 and not more than \$11,000 per violation, plus*
- *Three times the amount of damages which the government sustains because of the violation.*

3. Qui Tam Provisions (whistleblower rights): The provision of the FCA allows a person to bring an action under the Act on behalf of the federal government and share in the recovery.

4. Retaliation or retribution for reporting issues “in good faith” is prohibited.

Elder Justice Act

If you have reasonable suspicion that a crime has occurred against a resident or person receiving care at this facility, federal law requires that you report your suspicion directly to both the law enforcement and the state survey agency.

If you believe the crime involves serious bodily injury including criminal sexual abuse to the resident, you must report it immediately, but no later than 2 hours after forming the suspicion.

Serious Bodily injury means an injury:

- 1) involving extreme physical pain
- 2) involving substantial risk of health
- 3) involving protracted loss or impairment of the function of a bodily member, organ, or mental faculty, or
- 4) requiring medical intervention such as surgery, hospitalization, or physical rehabilitation.

OR

If the crime does not appear to cause serious bodily injury to the resident you must report it within 24 hours after forming the suspicion.

Please report any suspicions you may have to the Executive Director immediately. He or she will assist you with reporting the incident to the proper authorities.