



Lippes Mathias LLP
ATTORNEYS AT LAW

Overcoming the Investigation: Key Considerations for Mitigating and Managing Government Investigations Into Medicaid & Medicare Billing

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About Lippes Mathias

Nearly
180
Attorneys

29
Practice
Areas

14
Offices

HYPOTHETICAL SCENARIO:

You are caught off guard by an unannounced visit from a government regulator who requests your personal cell phone and access to company records.

HYPOTHETICAL SCENARIO:

You are a mid-level manager in the billing/accounting department who has been complying with government regulators without involving counsel in any way. You view the matter as a minor governmental inquiry, only to learn that the company's general counsel received a subpoena and is not happy that you have potentially, or actually, compromised privileged or confidential material.

HYPOTHETICAL SCENARIO:

The government files a lawsuit against your company, and only then does the company realize that company emails and other records have not been preserved and people are in a panic, asking you what needs to be done to mitigate whatever harm may have been caused.

HYPOTHETICAL SCENARIO:

The government regulator has just served a Civil Investigation Demand (CID) seeking an employee's testimony and, having believed nothing illegal occurred, the employee wants to comply without further internal discussion with counsel about what information the interview would include.

Understanding the False Claims Act (FCA)

- What is the purpose of the FCA?
- What role can a whistleblower play?
- What protections does a whistleblower have?
- What are the potential penalties under the FCA?

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Partner | Co-Team Leader - Government & Corporate Investigations

- Former New York State Attorney General
- Appointed United States Attorney for the Western District of New York in 1988
- Served 10 years as an Assistant District Attorney in Erie County
- Government & Corporate Investigations Practice Team Co-Leader and member of the firm's Executive Committee
- Works with clients to ensure they are in compliance with laws and regulations of both the state and federal governments

Scott S. Allen, Jr.



Partner | Team Leader - Agriculture

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- Former Assistant United States Attorney
- Focuses his practice on government investigations and compliance matters
- Represents defendants, targets, witnesses, and businesses during civil and criminal investigations and related litigation brought by federal and state entities

Brigid M. Maloney



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- Co-Leader of the firm's Health Law Practice
- Provides counsel to both in-state and out-of-state clients on New York State corporate practice of medicine rules and requirements for compliance
- Extensive experience in assisting clients with corporate compliance program development, audits, and effectiveness reviews

Lippes Mathias Health Care Practice Team

- Navigate the increasingly complex federal and state rules governing the delivery, financing, and regulation of health care services
- Deep understanding of the complex and unique regulatory landscape, assisting providers with corporate, transactional, regulatory, reimbursement, enforcement, compliance, and litigation matters

Lippes Mathias Government & Corporate Investigations Practice Team

- Provides a unique skill set to clients who are under scrutiny through government investigations, internal investigations, government audits, regulatory compliance, and white-collar investigations
- Our attorneys assist healthcare businesses in:
 - Conducting internal and independent investigations and witness interviews
 - Preparing investigative reports
 - Establishing compliance programs
 - Responding to requests for information, search warrants, subpoenas, and civil investigative demands (CIDs)
 - Providing representation during grand jury investigations and criminal trials