

Webcast: The False Claims Act: Updates for Health Care Providers

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The False Claims Act (FCA) is well-known as one of the most powerful tools in the government's arsenal to combat fraud, waste and abuse anywhere government funds are implicated. The U.S. Department of Justice has issued statements and guidance indicating some new thinking in the Trump Administration about its approach to FCA cases that may signal a meaningful shift in its enforcement efforts. But at the same time, newly filed FCA cases remain at historical peak levels and the DOJ has enjoyed ten straight years of nearly \$3 billion or more in annual FCA recoveries. The government has also made clear that it intends vigorously to pursue any fraud, waste and abuse in connection with COVID-related stimulus funds. As much as ever, any company that deals in government funds—especially in the health care sector—needs to stay abreast of how the government and private whistleblowers alike are wielding this tool, and how they can prepare and defend themselves.

The panel discusses developments in the FCA, including:

- The latest trends in FCA enforcement actions and associated litigation affecting health care providers;
- Updates on the Trump Administration's approach to FCA enforcement, including developments with recent DOJ Civil Division personnel changes and DOJ's use of its statutory dismissal authority;
- The coming surge of COVID-related FCA enforcement actions; and
- The latest developments in FCA case law, including developments in particular FCA legal theories affecting your industry and the continued evolution of how lower courts are interpreting the Supreme Court's Escobar decision.

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PANELISTS:

Winston Y. Chan is a partner in the San Francisco office. He has particular experience representing clients in enforcement actions and investigations by the DOJ, the Department of Health and Human Services Office of Inspector General, and State Attorneys General under the False Claims Act and related statutes. He previously served as an Assistant United States Attorney in the Eastern District of New York, where he served in a number of supervisory roles, including as Health Care Fraud Coordinator overseeing qui tam and whistleblower investigations involving allegations of False Claims Act violations, kickbacks, misbranding and off-label promotion.

Jonathan M. Phillips is a partner in the Washington, D.C. office where he focuses on compliance, enforcement, and litigation in the health care and government contracting fields, as well as other white collar enforcement matters and related litigation. A former Trial Attorney in DOJ's Civil Fraud section, he has particular experience representing clients in enforcement actions by the DOJ, Department of Health and Human Services,

Related People

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and Department of Defense brought under the False Claims Act and related statutes.

Julie Schenker is a litigation associate in the Washington, D.C. office where she focuses on health care enforcement and compliance matters, other white collar defense and investigations, and related litigation. She has represented health care provider clients in investigations by the DOJ, and the Department of Health and Human Services Office of Inspector General, and she has experience advising clients regarding the False Claims Act, Anti-Kickback Statute, and Stark Law, as well as other health care related matters.

Jessica Wright is an associate in the San Francisco office. She practices in the firm's Litigation Department and is a member of the White Collar Defense and Investigations and Securities Litigation Practice Groups where she represents companies dealing with FCA investigations, securities fraud allegations, and trade secret related matters.

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