

Defending Against False Claims Act (FCA) Investigations

The **False Claims Act (FCA)** is the government's primary tool for combating fraud in programs like **Medicare**, **Medicaid**, and **TRICARE**. Because the FCA allows for treble damages and civil penalties exceeding \$25,000 per claim, these are inherently **high-stakes enforcement matters**. Most cases begin with a “**qui tam**” lawsuit filed by a whistleblower, which can quickly escalate into a **federal criminal investigation** if the DOJ intervenes.

WHEN TO TAKE ACTION

You should contact a **white collar crime lawyer** immediately if:

- **You receive a Civil Investigative Demand (CID) or subpoena:** This indicates the government is actively investigating your billing or certification practices.
- **You learn of a whistleblower (qui tam) complaint:** Whistleblowers can receive 15–30% of the recovery, creating massive incentives for reports.
- **You identify internal billing irregularities:** Issues such as “upcoding” or improper documentation require immediate attention to prevent government enforcement.
- **Federal agents request an interview:** Never speak with investigators before consulting a criminal defense attorney.

HOW TO TAKE ACTION

When the government leverages the FCA, you need a defense team that understands how to negotiate from a position of strength.

- **Retain Former Prosecutors:** Dykema's team includes **former federal prosecutors** who have led these investigations from the inside. We know what federal authorities look for when deciding whether to intervene in a case.
- **Launch a Privileged Internal Investigation:** We conduct thorough **internal corporate investigations** to assess the validity of allegations and identify the scope of exposure.
- **Negotiate with the DOJ:** Our attorneys use their “insider” insight to resolve **high-stakes** FCA litigation through advocacy, often before a **federal indictment** is ever considered.
- **Audit and Remediate:** We help reinforce your corporate compliance programs to demonstrate good-faith cooperation and prevent future liability.

Contact Dykema's White Collar Defense and Government Investigations practice today for a confidential consultation.



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