

False Claims Act Year in Review 2016

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The False Claims Act, 31 U.S.C. §§ 3729, *et seq.* (FCA) continued to be a significant focus of government and whistleblower activity in 2016. This *Year in Review* highlights several key developments, including:

- The U.S. Department of Justice is continuing its strong enforcement of the FCA, including recovering more than \$4.7 billion in settlements and judgments in FCA cases in 2016, as well as continuing its focus on individual culpability.
- The number of FCA lawsuits filed by whistleblowers in 2016 climbed back above 700.
- The U.S. Supreme Court clarified the so-called “implied certification” theory of liability and resolved a circuit split on violations of the FCA seal requirements.
- Lower courts continue interpreting the pleading requirements for FCA claims, analyzing the public disclosure bar, and addressing relators’ rights and obligations, among other issues.

In 2016, Haynes Boone represented healthcare providers, defense contractors, and individuals in FCA investigations and lawsuits. We successfully resolved matters before lawsuits were filed, negotiated favorable settlements, and continued to defend our clients in active litigation. We also advised a number of contractors and healthcare providers regarding FCA compliance and other related issues.

If you have any questions about the issues covered in this year’s *Review*, please let us know. We look forward to working with our friends and clients in 2017.

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