Neil Issar in Dallas Bar Association's Headnotes: 'COVID-19 Legislation Risks & Liabilities for Healthcare Providers'

By Neil Issar | March 31, 2021

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The COVID-19 pandemic spurred legislative and regulatory changes to provide funding to the healthcare industry. But these changes have also created new risks and avenues for liability for recipients of federal funding.

The Coronavirus Aid, Relief, and Economic Security (CARES) Act created a $175 billion “Provider Relief Fund” to send payments to healthcare providers on the front lines of the coronavirus response. Recipients of Provider Relief Fund payments, including doctors and hospitals, must certify that they meet certain terms and conditions. Among other things, they must certify that they (1) provide or provided diagnosis, testing, or care for individuals with “actual or possible cases of COVID-19,” and (2) will only use the funds to prevent, prepare for, and respond to coronavirus and to serve as reimbursement for healthcare-related expenses or lost revenues attributable to coronavirus.

But these required certifications may implicate the False Claims Act (FCA). Because compliance with the Provider Relief Fund’s terms and conditions is a prerequisite to receiving federal funds, falsely certifying compliance with any of those terms and conditions may be considered a violation of the FCA.

Excerpted from Dallas Bar Association’s *Headnotes*. To read the full article, click here. (See Page 14.)

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