

# FALSE CLAIMS ACT POLICIES

## False Claims Act Policies

MERT Enterprises, Inc. is required by law to establish certain policies and provide employees, contractors, and agents with information, regarding: (1) the Federal False Claims Act, (2) an employee's right to be protected as a whistleblower, (3) Penalties for submitting false claims, (4) MERT Enterprises, Inc.'s policies and procedures for detecting and preventing fraud, waste, and abuse, and (5) The telephone number and contact information for reporting fraud, waste, and abuse.

## Policies and Procedures for Detecting and Preventing Fraud, Waste, and Abuse

MERT Enterprises, Inc. is committed to fully comply with all laws and regulations that apply to health care. Our Policy and Procedures, training and education, auditing and monitoring, and opportunities for individuals to raise issues and concerns without fear or retaliation are examples of our continued commitment to ethical behavior.

Whether you are an employee, volunteer, contractor, vendor, or other business associate with MERT Enterprises, Inc., you are reminded to:

- Exercise good faith and honesty in all dealings and transactions.
- Observe all laws and regulations that govern what we do, including requirements of Medicare, Medicaid, and other Federal Healthcare programs.
- Provide accurate and truthful information in all transactions.
- Contact one of the following resources available within MERT Enterprises, Inc. if you have any knowledge or concern regarding a potential false claim:
  1. Speak with your supervisor or another manager.
  2. If the manager is not available, or you are not comfortable speaking with him/her, or you believe the matter has not been adequately resolved, contact Scott Lynskey in HR at (207)942-4585 or [scott.lynskey@mertenterprises.org](mailto:scott.lynskey@mertenterprises.org)

MERT Enterprises, Inc.'s policy strictly prohibits retaliation, in any form, against any individual making a report, complaint, or inquiry in good faith. Retaliation is subject to discipline, up to and including dismissal from employment or termination of the business relationship with MERT Enterprises, Inc.

## Federal False Claims Act

### What is the Federal False Claims Act?

The Federal False Claims Act (31 USC § 3729-33) helps the Federal Government combat fraud and recover losses resulting from fraud in Federal programs, such as Medicare and Medicaid. Violations of the False Claims Act can include "knowingly": (1) submitting a false claim for payment, (2) making or suing a false record or statement to obtain payment for a false claim, (3) conspiring to make a false claim or get one paid, or (4) making or using a false record to avoid payments owed to the U.S. Government. "Knowingly" means that a person: (1) has actual knowledge that the information is false; (2) acts in deliberate ignorance of the truth or falsity of the information; or (3) acts in reckless disregard of the truth or falsity of the information.

Examples of potential false claims include:

- Billing for services that were not provided.
- Billing for services that were provided but were not medically necessary.
- Submitting inaccurate or misleading claims about the type of services provided.
- Making false statements to obtain payment for products or services.

The False Claims Act contains provisions that allow individuals with original information concerning fraud involving government programs to file a lawsuit on behalf of the government. If the lawsuit is successful, the individual may be eligible to receive a portion of the recoveries received by the government.

*Penalties for violating the Federal False Claims Act are significant. Financial penalties for submitting a false claim can total as much as three times the amount of the claim, plus fines of \$5,500-\$11,000 per claim.*

#### **Rights of Employees to be Protected as Whistleblowers under the False Claims Act**

The Federal False Claims Act protects employees from retaliation if they, in good faith, report fraud. Employees are protected against retaliation such as being fired, demoted, threatened, or harassed because of filing a False Claims Act lawsuit. A team member who suffers retaliation can sue, and may receive up to twice their back pay, plus interest, reinstatement at the seniority level they would have had if not for the retaliation, and compensation for their costs or damages.

Please contact Scott Lynskey if you have any questions regarding the False Claims Act. Thank you for your ongoing commitment to ethical behavior.