



**Garfunkel Wild**

# **Where is the OIG Going Next? Predicting the Unpredictable**

**Garfunkel Wild Health Care Conference**

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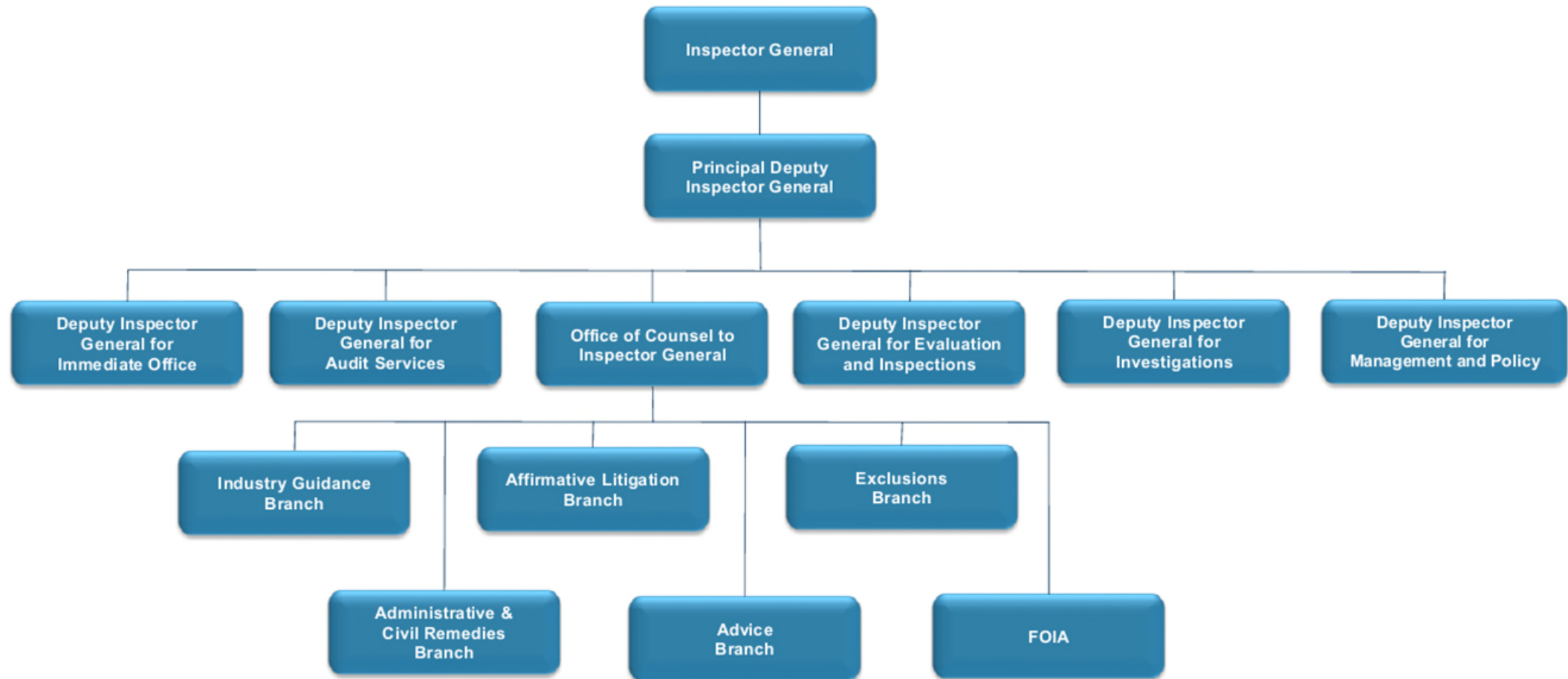
# Learning Outcomes

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## Participants will be able to:

- Identify key components within the U.S. Department of Health & Human Services, Office of Inspector General (HHS-OIG);
- Identify publicly available documents that shape OIG's future activities; and
- Identify best practices for responding to government inquiries, investigations, audits, and inspections.

# HHS-OIG Structure



# Office of Audit Services

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## Functions Include:

- Conducting independent performance audits of HHS programs, grantees, and contractors;
- Conducting quality control reviews of audits of State and local governments, colleges/universities, and nonprofit organizations; and
- Reducing waste, abuse, and mismanagement and promote economy and efficiency across HHS;

# Office of Evaluation and Inspection

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## Functions Include:

- Conducting national evaluations of HHS programs from a broad, issue-based perspective; and
- Overseeing state Medicaid Fraud Control Units, which investigate and prosecute providers for fraud as well as patient abuse and neglect;

# Office of Investigations

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## Functions Include:

- Conducting **criminal, civil, and administrative** investigations of fraud and misconduct;
- Coordinating with DOJ and other federal, state, and local law enforcement authorities; and
- Liaising with Office of Audit Services (OAS) and Office of Evaluation and Inspections (OEI) when audits and evaluations uncover potential fraud.

# Office of Counsel to Inspector General (OCIG) – Affirmative Litigation Branch

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## Functions Include:

- Investigating, initiating, and settling (or litigating) health care fraud cases under OIG's Civil Monetary Penalty Law and exclusion authorities
  - ➔ Purpose
  - ➔ Case Origination
  - ➔ Case Types

# Key Points

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- OIG has distinct functions. Knowing the component/branch gives you important advantages and insights.
- OIG is subject to Congressionally-mandated reporting requirements. Providers can use these reports to gain insights into OIG's priorities.
- OIG's investigation and enforcement functions are often overlooked. Providers focus on U.S. Department of Justice but remember that OIG also has these capabilities.



# Find the Crystal Ball

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## Be Proactive, Stay Informed

- OIG Strategic Plan and Budget
- Top Management/Performance Challenges
- Semi-Annual Reports
- OIG Audit and Evaluation/Inspection Reports
- OIG Work Plans
- Settlement and Self-Disclosure Summaries
- Internal Compliance Program Review / Audits

It is easier to prevent errors, overpayments, or fraud than it is to defend them.

# How to Respond (When to Get Help)

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## Who's Knocking - How, Where, and When?

- Many different federal and state agencies/regulators
- In-person, phone/email, letter, subpoena/CID, or search warrant
- At home or at work (and when)

## What's the Ask?

- Entrance to the facility, documents/records, interviews, other information

**\*Remember the power imbalance and the importance of legal representation**

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David Traskey advises individuals and entities involved in government investigations, guides clients on corporate compliance and governance matters, and litigates civil and white-collar health care fraud cases. Prior to joining Garfunkel Wild, David served as Senior Counsel with the United States Department of Health and Human Services (HHS), Office of Inspector General (OIG).

David's unique expertise in health care enforcement and compliance provides clients with specialized insight into federal investigations and enforcement actions based on his knowledge of the government's case identification strategies, its legal theories, and its interpretation of the applicable laws, rules, and regulations. His HHS-OIG experience also allows him to share critical information with clients about the government's corporate governance expectations and compliance best practices.

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