

LOUISIANA

The Louisiana Medical Assistance Programs Integrity Law ("MAPIL") combats fraud and abuse by health care providers participating in the medical assistance programs. LA. REV. STAT. ANN §§ 46:437.1 - 46:440.3.

Liability and Damages/Statute, of Limitations

- ❖ Actions that violate the MAPIL are knowingly submitting false claims for payment from medical assistance programs, including claims for medically unnecessary or substandard services. The MAPIL also addresses false illegal kickbacks of patient referrals, the delivery of substandard goods and services, and false representations of Medicaid eligibility. ·
- ❖ Actual Damages. Actual damages equal the difference between what the medical assistance programs paid, or would have paid, and the amount that should have been paid had not a violation occurred plus interest at the maximum rate of legal interest from the date the damage occurred to the date of repayment
- ❖ Civil Fines. Penalties of up to \$10,000 per claim may be imposed, or an amount equal to three times the value of the illegal remuneration, whichever is greater, and three times the amount of damages to the state government for false claim violations. The court can waive penalties and limit recovery to actual damages if the defendant voluntarily discloses violations and cooperates with the investigation.
- ❖ Civil Monetary Penalty. In addition to the actual damages and the civil violators will also be subject to civil monetary penalties of not less than \$5,500 but not more than \$11,000 for each false or fraudulent claim, misrepresentation, illegal remuneration, or other prohibited act, and payment of interest on the amount of the civil fine imposed at the maximum rate of legal interest from the date the damage occurred to the date of repayment.
- ❖ Lawsuits must be filed by the later of either: (1) three years after the violation was discovered by the state official responsible for investigating violations (but no more than ten years after the violation was committed), or (2) six years after the violation was committed.

Qui Tam Actions/Whistleblower Provisions

- ❖ A private individual (or *qui tam* plaintiff) can sue for violations of the MAPIL, but only the state can seek civil monetary penalties. *Qui tam* plaintiffs who report fraud receive between 15 and 25 percent of the total amount recovered if the state prosecutes the case, and up to 35 percent (plus reasonable costs and attorney fees) if the *qui tam* plaintiff litigates the case on his or her own. A *qui tam* plaintiff cannot file a lawsuit based on public information, unless he or she can confirm that he or she is the original source of the information.
- ❖ The MAPIL contains important protections for whistleblowers. Employees who suffer discrimination because of their involvement in false claims actions may be awarded full relief plus punitive damages from their employers.