

ARKANSAS

The Arkansas False Claims Act (“FCA”) is referred to as the “Arkansas Medicaid Fraud False Claims Act” and is a civil, not a criminal, law. The Arkansas FCA applies to claims made in conjunction with the Arkansas Medicaid Program. Many of the actions and events that trigger penalties under the Arkansas FCA are similar to those under the federal civil FCA, however, the Arkansas FCA has a broader list of prohibited activities. Specifically, in accordance with the Arkansas FCA there is liability for any person who engages in the following:

- Knowingly makes or causes to be made any false statement or representation of a material fact in any application for any benefit or payment under the Arkansas Medicaid program or in determining rights to a benefit or payment under the program;
- Having knowledge of the occurrence of any event affecting his or her initial or continued right to any benefit or payment or the initial or continued right to any benefit or payment of any other individual on whose behalf he or she has applied for or is receiving a benefit or payment knowingly conceals or fails to disclose that event with an intent fraudulently to secure the benefit or payment either in a greater amount or quantity than is due or when no benefit or payment is authorized;
- Having made an application to receive any benefit or payment for the use and benefit of another and having received it, knowingly converts the benefit or payment or any part thereof to a use other than for the use and benefit of the other person;
- Knowingly presents or causes to be presented a claim for a physician’s service and knows that the individual who furnished the service was not licensed as a physician;
- Knowingly solicits or receives any remuneration or knowingly offers or pays any remuneration, including any kickback, bribe or rebate, directly or indirectly, overtly or covertly, in cash or in kind:
 - In return for referring an individual to a person for the furnishing or arranging for the furnishing of any item or service for which payment may be made in whole or in part under the program; or
 - In return for purchasing, leasing, ordering, or arranging for or recommending purchasing, leasing, or ordering any good, or furnishing any service or item for which payment may be made in whole or in part under the program;
- Knowingly makes or causes to be made or induces or seeks to induce the making of any false statement or representation of a material fact with respect to information required pursuant to applicable federal and state laws, rules, regulations, and provider agreements;
- Knowingly charges for any service provided to a patient under the program money or other consideration at a rate in excess of the rates established by the state;
- Knowingly makes or causes to be made any false statement or representation of a material fact in any application for benefits or for payment in violation of the rules, regulations, and provider agreements used by the program or its fiscal agents; or
- Knowingly participates, directly or indirectly, in the Arkansas Medicaid program after it (or one of the provider’s employees or independent contractors/consultants) pled guilty or nolo contendere to or been found guilty of a charge of Medicaid fraud, theft of public benefits, or abuse of adults.

A civil action may not be brought more than five (5) years after the date on which the violation has occurred. There is no private right of action (*qui tam*) under the Arkansas FCA; however, individuals who provide relevant and applicable information may be eligible to receive up to 10% or \$100,000 for the information.

In addition to the Arkansas FCA, Arkansas has a number of other statutes aimed at preventing fraud. Like the Arkansas FCA and the federal FCA, these laws also prohibit filing false or fraudulent documentation in an effort to improperly receive compensation from the State.

The Arkansas FCA does not have an explicit whistleblower protection provision.

Ark. Stat. §§ 20-77-901 *et. seq.*

CALIFORNIA

California has a state False Claims Act (“FCA”) that is very similar to the federal civil FCA (*see* summary in _____). Actions and events that trigger penalties under the California FCA are akin to those that trigger penalties under the federal FCA. However, under the California FCA, a person or entity may also be liable if he or she is a beneficiary of an inadvertent submission of a false claim to the state, subsequently discovers that the claim is false, and fails to disclose the false claim to the state within a reasonable time after discovery of the false claim. The California FCA also differs from the federal FCA in that it does not apply to any claim of less than \$500 in value or claims involving workers’ compensation, records or statements made under the Revenue and Taxation Code, or claims against public entities and employees. Additionally, the California FCA does not have an established floor for penalties.

In addition to the FCA, California has a number of other false claims statutes aimed at preventing fraud and abuse for many of California’s agencies and departments, including Medi-Cal, the California Medicaid program. Like the federal FCA and the California FCA, these laws also prohibit filing false or fraudulent claims or documentation in an effort to improperly receive compensation from the State.

Like the federal FCA, the whistleblower protection provisions contained in the California FCA prevent employers from retaliating against employees who report their employer’s false claims. Of note, an employee is not protected if his or her participation in the conduct directly or indirectly resulted in a false claim being submitted to the state or a political subdivision unless:

- The employee voluntarily disclosed information to a government law enforcement agency or acted in furtherance of a false claims action, including investigation for, initiation of, testimony for, or assistance in an action filed or to be filed; and
- The employee has been harassed, threatened with termination or demotion, or otherwise coerced by the employer or its management into engaging in the fraudulent activity in the first place.

Ca. Govt. Code §§ 12650-12656; Ca. Welf. & Inst. Code §§ 14107 and 14123.2.

DELAWARE

Delaware has a state False Claims Act (“FCA”) that is nearly identical to the federal civil FCA. (See summary in Odyssey Policy _____, *False Claims Act*). Like the federal FCA, the Delaware FCA prohibits the knowing submission of false or fraudulent claims to the state government. Actions and events that trigger penalties under the Delaware FCA are the same as those that trigger penalties under the federal FCA.

In addition to the Delaware FCA, Delaware has a number of other false claims statutes aimed at preventing fraud and abuse for many of Delaware’s agencies and departments, including the Delaware Medicaid Program. Like the federal FCA and the Delaware FCA, these laws also prohibit filing false or fraudulent claims or documentation in an effort to improperly receive compensation from the State.

The Delaware FCA also has specific whistleblower protection provisions that prohibit employers from retaliating against employees who report their employer’s potentially false claims. These provisions are very similar to those whistleblower protections contained in the federal FCA.

Del. Code Ann. tit. 6, §§ 1201 *et seq.* (2000).

DISTRICT OF COLUMBIA

The District of Columbia (“D.C.”) has a local False Claims Act (“FCA”) that is very similar to the federal civil FCA. Actions and events that trigger penalties under the D.C. FCA are the same as those that trigger penalties under the federal FCA. (See summary in Odyssey Policy _____, *False Claims Act*).. However, the D.C. FCA is broader in that it applies to “false” versus “false and fraudulent” claims and statements. The D.C. FCA does not apply to claims involving workers’ compensation, unemployment compensation or claims relating to certain of D.C.’s tax laws. The D.C. FCA also has whistleblower protection provisions substantially similar to the federal FCA provisions, which prohibit employers from retaliating against employees who report their employer’s potentially false claims.

In addition to the D.C. FCA, D.C. has a number of other false claims statutes aimed at preventing fraud and abuse for many of D.C.’s agencies and departments, including the D.C. Medicaid program. Like the False Claims Acts, these laws also prohibit filing false or fraudulent claims or documentation in an effort to improperly receive compensation from the State.

D.C. has established an Antifraud Fund that consists of criminal fines, civil penalties, and damages collected in cases brought pursuant to the D.C. FCA, other than funds awarded to a cooperator or for restitution to a particular agency in the amount of the actual loss to that agency. Such funds (with the exception of amounts for an award to a cooperator or restitution to a program) shall be available for use by the Office of Corporation Counsel to carry out enforcement of the D.C. FCA, including all costs reasonably related to prosecuting cases and conducting investigations.

D.C. Code §§ 2-308.13 to 2-308.21.

FLORIDA

Florida has a state False Claims Act (“FCA”) that is very similar to the federal civil FCA. (See summary in Odyssey Policy ____, *False Claims Act*). Actions and events that trigger penalties under the Florida FCA are akin to those that trigger penalties under the federal FCA. In addition to the Florida FCA, Florida has a number of other false claims statutes aimed at preventing fraud and abuse for many of Florida’s agencies and departments, including the Florida Medicaid Program. Like the federal FCA and the Florida FCA, these laws also prohibit filing false or fraudulent claims or documentation in an effort to improperly receive compensation from the State. Additionally, Florida also has a number of state laws prohibiting illegal referral relationships (*e.g.*, kickbacks) and prohibited physician self-referrals.

Although the majority of the Florida FCA reflects the provisions contained in the federal FCA, there are a few differences. Such differences include a different statute of limitations. In accordance with the Florida FCA, a civil action may not be brought more than 5 years after the date on which the misconduct was committed or more than 2 years after the date when facts material to the right of action are known or should have been known, but in no instance more than 7 years after the date on which the violation is committed, whichever occurs last.

The Florida FCA also has a whistleblower protection provision that prohibits employers from retaliating against employees who report their employer’s potentially false claims.

Fla. Stat. §§ 68.081, *et seq.*; Fla. Stat. § 112.3187; Fla. Stat §§ 409.920, 409.9201, 409.913, 775.082, 812.035; Fla. State. §§ 414.39, 817.155, and 837.06; and Fla. Admin. Code Ann.r. 59G-9.070.

HAWAII

Hawaii has a state False Claims Act (“FCA”) that is very similar to the federal civil FCA. (See summary in Odyssey Policy _____, *False Claims Act*). Actions and events that trigger penalties under the Hawaii FCA are substantially similar to those that trigger penalties under the federal FCA. However, under the Hawaii FCA, a person or entity may also be liable if he or she is a beneficiary of an inadvertent submission of a false claim to the state, subsequently discovers that the claim is false, and fails to disclose the false claim to the state within a reasonable time after discovery of the false claim. Additionally, the Hawaii FCA does not apply to any false claim of less than \$5,000.

In addition to the Hawaii FCA, Hawaii has a number of other false claims statutes aimed at preventing fraud and abuse for many of Hawaii’s agencies and departments, including the Hawaii Medicaid Program. Like the federal FCA and the Hawaii FCA, these laws also prohibit filing false or fraudulent claims or documentation in an effort to improperly receive compensation from the State.

Hawaii protects employee whistleblowers from retaliation through its “Whistleblower Protection Act.” This Act prohibits employers from retaliating against employees who report their employer’s potential or suspected violation of law.

Haw. Rev. Stat. §§ 661-21 to 661-29; Haw. Rev. Stat. §§ 46-171 to 46-179;
Haw. Rev. Stat. §§ 378-61 to 378-69.

ILLINOIS

The Illinois False Claims Act (“FCA”) is also known as the Illinois Whistleblower Reward and Protection Act. The Illinois FCA is very similar to the federal civil FCA. (See summary in Odyssey Policy ____, *False Claims Act*). Actions and events that trigger penalties under the Illinois FCA are substantially similar to those that trigger penalties under the federal FCA. However, in addition to applying to statements and claims presented or provided to the State, the Illinois FCA also applies to claims presented to the Illinois National Guard. The Illinois FCA does not apply to claims, records, or statements made under the Illinois Income Tax Act.

In addition to the Illinois FCA, Illinois has a number of other false claims statutes aimed at preventing fraud and abuse for many of Illinois’ agencies and departments, including the Illinois Medicaid Program. Like the federal FCA and the Illinois FCA, these laws also prohibit filing false or fraudulent claims or documentation in an effort to improperly receive compensation from the State.

The Illinois FCA has whistleblower protection provisions that prohibit employers from retaliating against employees who report their employer’s potential false claims. Additionally, Illinois maintains a Whistleblower Reward and Protection Fund as a special fund in the State Treasury. All proceeds of an action or settlement of a claim brought under the Illinois FCA shall be deposited in the fund. After one-sixth of the monies are paid to the Attorney General and one-sixth of the monies are paid to the Department of State Police for State law enforcement purposes, the remaining two-thirds are used for payment of awards to *qui tam* plaintiffs (whistleblowers), attorneys’ fees and expenses, and as otherwise specified in the Illinois FCA.

Ill. Comp. Stat. §§ 175/1 to 175/8.

INDIANA

Indiana has a state False Claims Act (“FCA”) that is very similar to the federal civil FCA. (*See* summary in Odyssey Policy ____, *False Claims Act*). Actions and events that trigger penalties under the Indiana FCA are substantially similar to those that trigger penalties under the federal FCA. Like the federal FCA, the Indiana FCA prohibits filing false or fraudulent claims or documentation in an effort to improperly receive compensation from the state or any agency of state government (the term does not apply to a political subdivision). However, the Indiana FCA does not define “knowing” and “knowingly” to include deliberate ignorance and reckless disregard.

In addition to the Indiana FCA, Indiana has a number of other false claims statutes aimed at preventing fraud and abuse for many of Indiana’s agencies and departments, including the Indiana Medicaid Program. Like the federal FCA and the Indiana FCA, these laws also prohibit filing false or fraudulent claims or documentation in an effort to improperly receive compensation from the State.

The Indiana FCA also has whistleblower protection provisions that are akin to the federal FCA provisions, which prohibit employers from retaliating against employees who report their employer’s potentially false claims and offers substantial penalties against those employers that do.

Ind. Code §§ 5-11-5.5-1 to 5-11-5.5-18.

LOUISIANA

Louisiana has a state False Claims Act (“FCA”) that is very similar to the federal civil FCA. (See summary in Odyssey Policy _____, *False Claims Act*). The Louisiana FCA is also known as the “Louisiana Medical Assistance Programs Integrity Law” and only applies to claims made to the Louisiana Medical Assistance Program. This law contains many of the same provisions as the federal FCA. Actions and events that trigger penalties under the Louisiana FCA are akin to those that trigger penalties under the federal FCA. However, in addition to the provision contained in the federal FCA, under the Louisiana FCA, a person may also be liable if he or she knowingly submits a claim for goods, services, or supplies that are medically unnecessary or of a substandard quality or quantity.

In addition to the Louisiana FCA, Louisiana has a number of other false claims statutes (civil and criminal) aimed at preventing fraud and abuse for many of Louisiana’s other agencies and departments. Like the Louisiana FCA and the federal FCA, these laws also prohibit filing false or fraudulent claims or documentation in an effort to improperly receive compensation from the State.

The Louisiana FCA also has whistleblower protection provisions that are substantially similar to the federal provisions and which prohibit employers from retaliating against employees who report their employer’s potentially false claims. The amounts recoverable by whistleblower’s are lesser than those permitted under the federal FCA.

La. Rev. Stat. Ann. §§ 46:438.3 to 438.8; La. Rev. Stat. Ann. §§ 46:439.1 to 439.4; La. Rev. Stat. Ann. § 46.440.3; La. Rev. Stat. Ann. § 14:70.1.

MASSACHUSETTS

Massachusetts has a state False Claims Act (“FCA”) that is very similar to the federal civil FCA. (See summary in Odyssey Policy _____, *False Claims Act*). Actions and events that trigger penalties under the Massachusetts FCA are substantially similar to those that trigger penalties under the federal FCA. However, under the Massachusetts FCA, a person or entity may also be liable if he or she is a beneficiary of an inadvertent submission of a false claim to the state, subsequently discovers that the claim is false, and fails to disclose the false claim to the state within a reasonable time after discovery of the false claim. Additionally, the Massachusetts FCA does not apply to claims, records or statements made or presented to establish, limit, reduce, or evade liability for the payment of tax to the Commonwealth, or any other governmental entity.

In addition to the Massachusetts FCA, Massachusetts has a number of other statutes and regulations aimed at preventing fraud and abuse for many of Massachusetts’s agencies and departments, including the Massachusetts Medicaid program. Like the Massachusetts FCA and the federal FCA, these laws also prohibit filing false or fraudulent claims or documentation in an effort to improperly receive compensation from the State.

The Massachusetts FCA also has whistleblower protection provisions that are substantially similar to the federal FCA provisions, which prohibit employers from preventing or retaliating against employees who report their employer’s potentially false claims.

Ma. Gen. Laws Chp. 12 §§ 5A-50 *et. seq.*

MICHIGAN

The Michigan False Claims Act (“FCA”) is also referred to as the “Medicaid False Claim Act” and applies only to claims and statements made to the Michigan Medicaid Program. This law contains many of the same provisions as the federal FCA and the actions and events that trigger the Michigan FCA are akin to those that trigger the federal FCA. (See summary in Odyssey Policy ____, *False Claims Act*). Because the Michigan law focuses on claims made to the Medicaid program, there are additional provisions addressing the veracity of claims and statements regarding rights to Medicaid benefits. Violators of the Michigan FCA are potentially subject to both criminal and civil penalties. Unlike the federal FCA, the Michigan FCA does not include an explicit prohibition against those that knowingly make, use or cause to be made or used, a false record or statement to conceal, avoid or decrease an obligation to pay or transmit money or property to the government.

In addition to the Michigan FCA, Michigan has a number of other false claims statutes (civil and criminal) aimed at preventing fraud and abuse for many of Michigan’s other agencies and departments. Like the Michigan FCA and the federal FCA, these laws also prohibit filing false or fraudulent claims or documentation in an effort to improperly receive compensation from the State.

The Michigan FCA also has whistleblower protection provisions that prohibit an entity from adopting or enforcing a rule, regulation or policy preventing or retaliating against employees who report their employer’s potentially false claims. This prohibition does not apply to an employment action against an employee whom the court finds brought a frivolous claim, or participated, planned or initiated the conduct upon which the action is brought.

Mich. Law. Ann. §§ 400.601 to 400.611.

MONTANA

Montana has a state False Claims Act (“FCA”) that is very similar to the federal civil FCA. (See summary in Odyssey Policy _____, *False Claims Act*). Actions and events that trigger penalties under the Montana FCA are substantially similar to those that trigger penalties under the federal FCA. However, under the Montana FCA, a person or entity may also be liable if he or she is a beneficiary of an inadvertent submission of a false claim to the state, subsequently discovers that the claim is false, and fails to disclose the false claim to the state within a reasonable time after discovery of the false claim. Additionally, the Montana FCA does not apply to any claim to the state of less than \$500.

In addition to the Montana FCA, Montana has a number of other false claims statutes aimed at preventing fraud and abuse for many of Montana’s agencies and departments, including the Montana Medicaid Program. Like the Montana FCA and the federal FCA, these laws also prohibit filing false or fraudulent claims or documentation in an effort to improperly receive compensation from the State.

The Montana FCA also has whistleblower protection provisions that prohibit a governmental entity from adopting or enforcing a rule, regulation or policy preventing or retaliating against employees who report their employer’s potentially false claims. These whistleblower protection provisions do not apply to private employers.

Mont. St. §§ 17-8-01 *et. seq.*

NEW HAMPSHIRE

New Hampshire has a state False Claims Act FCA that is very similar to the federal civil FCA. (See summary in Odyssey Policy _____, *False Claims Act*). In fact, actions and events that trigger penalties under the New Hampshire FCA are substantially similar to those that trigger penalties under the federal FCA. The New Hampshire FCA applies to claims submitted to the New Hampshire Department of Health & Human Services, the State Department that administers the New Hampshire Medicaid Program. In addition to the actions and events contained in the federal FCA, under the New Hampshire FCA, a person or entity may also be liable if he or she is a beneficiary of an inadvertent submission of a false claim to the state, subsequently discovers that the claim is false, and fails to disclose the false claim to the state within a reasonable time after discovery of the false claim. Additionally, the New Hampshire FCA does not apply to any one or more claims submitted to the state of less than \$5,000.

The New Hampshire FCA defines “fraud” a little differently than the federal FCA. Under the New Hampshire FCA, fraud is defined as the intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to himself or some other person. It includes any act that constitutes fraud under the New Hampshire criminal code.

In addition to the New Hampshire FCA, New Hampshire has a number of other false claims statutes aimed at preventing fraud and abuse for many of New Hampshire’s other agencies and departments. Like the New Hampshire FCA and the federal FCA, these laws also prohibit filing false or fraudulent claims or documentation in an effort to improperly receive compensation from the State.

The New Hampshire FCA does not include explicit whistleblower protection provisions. However, New Hampshire does have a Whistleblowers’ Protection Act that protects employees who report, in good faith, a suspected violation of law.

N.H. Rev. Stat. Ann. §§ 167-61-a to 167-61-e; N.H. Rev. Stat. Ann. § 275-E:2.

NEW MEXICO

New Mexico has a state False Claims Act (“FCA”) that is very similar to the federal civil FCA. (See summary in Odyssey Policy ____, *False Claims Act*). The New Mexico FCA applies to claims made in conjunction with the New Mexico Medicaid Program. Although the actions and events that trigger the penalties under the New Mexico FCA are similar to those under the federal FCA, there are some noted differences. Specifically, in accordance with the New Mexico FCA, FCA liability exists for any person who engages in the following:

- Presents, or causes to be presented, to the state a claim for payment under the Medicaid program knowing that such claim is false or fraudulent;
- Presents, or causes to be presented, to the state a claim for payment under the Medicaid program knowing that the person receiving a Medicaid benefit or payment is not authorized or is not eligible for a benefit under the Medicaid program;
- Makes or causes to be made or used a record or statement to obtain a false or fraudulent claim under the Medicaid program paid for or approved by the state knowing such record or statement is false;
- Conspires to defraud the state by getting a claim allowed or paid under the Medicaid program knowing that such claim is false or fraudulent;
- Makes, uses or causes to be made or used a record or statement to conceal, avoid or decrease an obligation to pay or transmit money or property to the state, relative to the Medicaid program, knowing that such record or statement is false;
- Knowingly applies for and receives a benefit or payment on behalf of another person, except pursuant to a lawful assignment of benefits, under the Medicaid program and uses that benefit or payment for his own personal use;
- Knowingly makes a false statement or misrepresentation of material fact concerning the conditions or operation of a health care facility in order that the facility may qualify for certification or recertification required by the Medicaid program; or
- Knowingly makes a claim under the Medicaid program for a service or product that was not provided.

In addition to the New Mexico FCA, New Mexico has a number of statutes aimed at preventing fraud and abuse for many of New Mexico’s other agencies and departments. Like the New Mexico FCA and federal FCA, these laws prohibit filing false or fraudulent claims or documentation in an effort to improperly receive compensation from the State.

Like the federal FCA, the New Mexico FCA also has a whistleblower protection provision that prohibits employers from retaliating against employees who report their employer’s potentially false claims.

N.M. Stat. Ann. §§ 27-14-1 to 27-14-15.

NEVADA

Nevada has a state False Claims Act (“FCA”) that is very similar to the federal civil FCA and applies to any claims and statements made to the state or local governments. Those actions and events that trigger penalties under the federal FCA (see summary in Odyssey Policy ____, *False Claims Act*) are the same as those that trigger civil penalties under the Nevada FCA.

Additionally, under the Nevada FCA, a person may also be liable if he or she is a beneficiary of an inadvertent submission of a false claim to the state, subsequently discovers that the claim is false, and fails to disclose the false claim to the state within a reasonable time after discovery of the false claim. There are a few noted differences between the Nevada FCA and the federal FCA. The Nevada’s FCA civil penalty floor of \$2,000 is less than the federal FCA civil penalty floor. Further, the stated statute of limitations for bringing a cause of action under the Nevada FCA is no more than five years from the time the action occurred.

In addition to the Nevada FCA, Nevada has a number of other false claims statutes aimed at preventing fraud and abuse for many of Nevada’s agencies and departments, including the Nevada Medicaid Program. Like the Nevada and Federal FCAs, these laws also prohibit filing false or fraudulent claims or documentation in an effort to improperly receive compensation from the State.

The Nevada False Claims Act also has a whistleblower protection provision that is akin to the federal FCA provisions and which prohibits employers from retaliating against employees who report their employers’ potentially false claims.

Nev. Rev. Stat. §§ 357.010. *et seq.*; Nev. Rev. §§ 422.410, 422.540 & 422.580.

NORTH CAROLINA

North Carolina has a state False Claims Act ("FCA") that is very similar to the federal civil FCA. (See summary in Odyssey Policy _____, *False Claims Act*). The North Carolina FCA is known as the "Medical Assistance Provider FCA" and applies to claims made in connection with the North Carolina Medicaid Program. Actions and events that trigger penalties under the North Carolina FCA are substantially similar to those that trigger penalties under the federal FCA. The North Carolina FCA contains an explicit statement that notes that the North Carolina law was intended to be interpreted and construed as consistent with the federal FCA and any subsequent amendment to the federal FCA.

In addition to the North Carolina FCA, North Carolina has a number of other false claims statutes aimed at preventing fraud and abuse for many of North Carolina's other agencies and departments. Like the North Carolina FCA and federal FCA, these laws also prohibit filing false or fraudulent claims or documentation in an effort to improperly receive compensation from the State.

The North Carolina FCA also has a whistleblower protection provision that prohibits employers from retaliating against employees who report their employer's potentially false claims. N.C. Stat. § 108A-70.10 to 70.16.

TENNESSEE

Tennessee has a state False Claims Act (“FCA”) that is very similar to the federal civil FCA. (See summary in Odyssey Policy _____, *False Claims Act*). The Tennessee FCA applies to claims submitted to the State Medicaid Program, TennCare. In fact, the actions and events that trigger penalties under the Tennessee FCA are the same as those that trigger penalties under the federal FCA. However, under the Tennessee FCA, a person may also be liable if he or she is a beneficiary of an inadvertent submission of a false claim, subsequently discovers that the claim is false, and fails to disclose the false claim to the state within a reasonable time after discovery of the false claim. Additionally, the Tennessee FCA does not apply to any claim of less than \$500 in value or claims involving workers’ compensation or relating to tax laws administered by the Tennessee Department of Revenue.

In addition to the Tennessee FCA, Tennessee has a number of other false claims statutes aimed at preventing fraud and abuse for many of Tennessee’s other agencies and departments. Like the Tennessee FCA and the federal FCA, these laws also prohibit filing false or fraudulent claims or documentation in an effort to improperly receive compensation from the State.

The Tennessee False Claims Act also has a whistleblower protection provision that prohibits employers from retaliating against employees who report their employer’s potentially false claims.

Tenn. Code Ann. §§ 4-18-101, *et. seq.*; Tenn. Code Ann. §§ 71-5-181, *et. seq.*; Tenn. Code Ann. § 71-5-2601.

TEXAS

Texas has a state False Claims Act FCA that is very similar to the federal civil FCA. (See summary in Odyssey Policy _____, *False Claims Act*). The actions and events that trigger penalties under the Texas FCA are substantially similar to those that trigger penalties under the federal FCA. However, under the Texas FCA, a person or entity may also be liable if he or she presents a claim for payment under the Medicaid program for a product or service that was furnished or rendered by an unlicensed provider or that has not been approved by a healthcare practitioner. The Texas FCA also differs from the federal FCA in that the civil penalty is greater under the Texas law for unlawful acts that result in injury to an elderly person, a disabled person, or someone younger than eighteen. Of particular note, the Texas FCA does not contain an explicitly stated burden of proof.

In addition to the Texas FCA, Texas has a number of other false claims statutes aimed at preventing fraud and abuse for many of Texas's agencies and departments. Like the Texas FCA and the federal FCA, these laws also prohibit filing false or fraudulent claims or documentation in an effort to improperly receive compensation from the State.

The Texas FCA, like the federal FCA, also has a whistleblower protection provision that prohibits employers from retaliating against employees who report their employer's potentially false claims.

Tex. Hum. Res. Code Ann. § 32.039; Tex. Hum. Res. Code Ann. §§ 36.001-36.008; Tex. Hum. Res. Code Ann. §§ 36.051-36.055.

VIRGINIA

Virginia has a state False Claims Act (“FCA”) that is very similar to the federal civil FCA. (See summary in Odyssey Policy _____, *False Claims Act*). Like the federal FCA, the Virginia FCA prohibits the knowing submission of false or fraudulent claims to the state government. In fact, actions and events that trigger penalties under the federal FCA are the same as those that trigger penalties under the Virginia FCA.

In addition to the Virginia FCA, Virginia has a number of other false claims statutes aimed at preventing fraud and abuse for many of Virginia’s agencies and departments, including the Virginia Medicaid Program. Like the Virginia FCA and the federal FCA, these laws also prohibit filing false or fraudulent claims or documentation in an effort to improperly receive compensation from the State.

The Virginia FCA, like the federal FCA, also has a whistleblower protection provision that prohibits employers from retaliating against employees who report their employer’s potentially false claims.

Va. Code Ann. §§ 8.01-216.1, *et seq.*; Va. Code Ann. §§ 18.2-498.3, 32.1-312 to 32.1-319, 32.1-341, 32.1-349, 32.1-350 and 63.2-522.