

## Federal False Claims Act & Insurance Fraud

Representing healthcare providers in state or federal government investigations and enforcement actions related to alleged healthcare fraud presents intricate legal challenges that require a vigorous defense and strategic counsel to mitigate exposure. With the complex web of billing, coding, and regulatory requirements, even unintentional errors can be misconstrued as fraudulent intent.

Our team is deeply experienced in defending healthcare providers in "qui tam" lawsuits brought by whistleblowers on behalf of the government, which can trigger significant liability. Our goal is always to protect the client from the severe financial penalties and reputational damage that can result from a False Claims Act (FCA) violation. We represent healthcare providers in responding to investigations, subpoenas, and other actions taken by the Department of Justice (DOJ), the Office of Inspector General (OIG), and other federal agencies. We conduct thorough internal investigations to assess potential FCA exposure, identify compliance gaps, and develop remediation strategies. We advise on and assist with voluntary disclosures to federal agencies, which can significantly reduce penalties in cases of identified overpayments or non-compliance. We aggressively negotiate settlements with federal authorities and, when necessary, litigate FCA cases in federal court. We also proactively assist clients in developing and strengthening their compliance programs to prevent potential FCA violations.

Our defense of healthcare providers further encompasses state investigations initiated by the New Jersey Attorney General, New Jersey Office of the Insurance Fraud Prosecutor (OIFP), the Department of Banking and Insurance (DOBI), and other state agencies. This work includes defending against allegations of making false or misleading statements or omissions in claims for healthcare services in violation of New Jersey's Health Care Claims Fraud Act and the Insurance Fraud Prevention Act. We assist clients in addressing potential disciplinary actions by professional licensing boards that often accompany allegations of insurance fraud.

When necessary, we provide comprehensive and vigorous defense in both civil actions brought by private insurers and criminal prosecutions by state authorities. Our services also include assisting with audits and disputes related to billing practices, coding accuracy, and medical necessity.

### Practice Leaders

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## Experience

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### Representative Matters

- Representing a physician in an ongoing investigation by the U.S. Attorney's Office for the Eastern District of New York concerning alleged Medicaid fraud related to billing for non-medically necessary testing.
- Representing targets and key witnesses in federal and state healthcare fraud and Medicaid fraud investigations , including matters involving potential exposure exceeding \$14 million, restitution risk, and incarceration, before New Jersey and New York authorities and the U.S. Attorney's Office for the Eastern District of New York.
- Represented a medical supply distributor and affiliated entities in a federal False Claims Act *qui tam* action alleging Medicare fraud, securing dismissal prior to the pleading stage through documentary evidence and sworn submissions, while claims against other defendants continued.
- Advising a New Jersey-based ABA therapy organization in responding to a New Jersey MFD audit. This matter includes counseling the client on the MFD interview process, assisting in providing relevant documentation responsive to the audit, and advising the client on compliance with follow-up requests from the MFD in anticipation of an eventual resolution of the audit, including any repayment demands.

## Insights & More

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### Client Alerts

[Eighth Circuit Imposes "But-For" Causation Standard for False Claims Act Cases Premised on Anti-Kickback Violations, Causes Circuit Court Split](#)

11.15.22

### Healthcare Perspectives Blog

[First Circuit Decision Regarding Anti-Kickback Statute Standard Widens Circuit Split and Creates Potential for Supreme Court Clarification](#)

7.29.25

### Published Articles

First Circuit Decision Regarding Anti-Kickback Statute Standard Widens Circuit Split and Creates Potential for Supreme Court Clarification

7.29.25

Circuit Split Leaves Anti-Kickback Statute Standard Ripe for Guidance from the Supreme Court

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