

## **Addendum to Employee Standards and Code of Ethical Conduct Georgia State False Claims Act**

This is a supplement to Trilogy's Employee Standards and Code of Ethical Conduct Handbook (Code) for employees. As stated in our Code, the federal False Claims Act and similar state laws assist the federal and state governments in combating fraud and recovering losses resulting from fraud in government programs, purchases, and/or contracts. These laws are very important laws that govern our business.

The Georgia Medicaid False Claims Act and associated regulations, impose liability on any person who, with intent to defraud or deceive, makes, or causes to be made or assists in the preparation of any false statement, representation, or omission of a material fact in any claim or application for any payment, regardless of amount, from the Medicaid Agency, knowing the same to be false. The following are prohibited under the Georgia Medicaid False Claims Act:

- Knowingly presents or causes to be presented to the Georgia Medicaid program a false or fraudulent claim for payment or approval;
- Knowingly makes, uses, or causes to be made or used, a false record or statement to get a false or fraudulent claim paid or approved by the Georgia Medicaid program;
- Conspires to defraud the Georgia Medicaid program by getting a false or fraudulent claim allowed or paid;
- Has possession, custody, or control of property or money used, or to be used by the Georgia Medicaid program and, intending to defraud the Georgia Medicaid program or willfully to conceal the property, delivers, or causes to be delivered, less property than the amount for which the person receives a certificate of receipt;
- Being authorized to make or deliver a document certifying receipt of property used, or to be used, by the Georgia Medicaid program and, intending to defraud the Georgia Medicaid program, makes or delivers the receipt without completely knowing that the information on the receipt is true;
- Knowingly buys, or receives as a pledge of an obligation or debt, public property from an officer or employee of the Georgia Medicaid program, who lawfully may not sell or pledge the property; or

The provisions of subsection (a) of this Code section notwithstanding, if the court finds that:

- The person committing the violation of this subsection furnished officials of the Georgia Medicaid program with all information known to such person about the violation within 30 days after the date on which the defendant first obtained the information;
- Such person fully cooperated with any government investigation of such violation; and
- At the time such person furnished the Georgia Medicaid program with the information about the violation, no criminal prosecution, civil action, or administrative action had commenced under this article with respect to such violation, and the person did not have actual knowledge of the existence of an investigation into such violation, the court may

assess not more than two times the amount of the actual damages which the Georgia Medicaid program sustained because of the act of such person.

A person violating any provision of this subsection shall also be liable to this state for all costs of any civil action brought to recover the damages and penalties provided under this article.

### **Civil and Criminal Penalties for False Claims or Statements**

A violation of the Georgia Medicaid False Claims Act may lead to suspension or termination from the Medicaid program and will result in restitution for any improper payments. In addition, any person who knowingly makes, uses, or causes to be made or used, a false record or statement to conceal, avoid, or decrease an obligation to pay, repay or transmit money or property to the State of Georgia, shall be liable to the State of Georgia for a civil penalty of not less than \$5,500.00 and not more than \$11,000.00 for each false or fraudulent claim, plus three times the amount of damages which the Georgia Medicaid program sustains because of the act of such person.

### **Civil Lawsuits**

Like the federal False Claims Act, Georgia Medicaid False Claims Act allows civil lawsuits to be filed by the state government or by private citizens, including employees. If the private citizen (also called a *qui tam* plaintiff) is successful in the lawsuit, he/she may share a percentage of any monetary recovery and receive an award for reasonable attorney's fees and costs. However, If the Attorney General does not proceed with the civil action and the person bringing the civil action conducts the civil action, the court may award to the defendant its reasonable attorney's fees and expenses against the person bringing the civil action if the defendant prevails in the civil action and the court finds that the claim of the person bringing the civil action was clearly frivolous, clearly vexatious, or brought primarily for purposes of harassment. The State of Georgia shall not be liable for expenses which a private person incurs in bringing a civil action under this article.

### **No Retaliation**

Any employee who is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of employment by his or her employer because of lawful acts done by the employee, on behalf of the employee or others, in furtherance of a civil action under this article, including investigation for, initiation of, testimony for, or assistance in a civil action filed or to be filed under this article, shall be entitled to all relief necessary to make the employee whole. Such relief shall include reinstatement with the same seniority status such employee would have had but for the discrimination, two times the amount of back pay, interest on the back pay award, and compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorney's fees. An employee may bring a civil action in an appropriate court of the State of Georgia for the relief provided in this Code section.

## **Copies of Georgia Laws**

The Georgia laws summarized above include: (1) Chapter 4 of Title 49 of the Official Code of Georgia Annotated ARTICLE 7B, 49-4-168, 49-4-168.1, 49-4-168.2, 49-4-168.3, 49-4-168.4, 49-4-168.5; Chapter 11 of Title 9, the 'Georgia Civil Practice Act.

If you have questions about any of these requirements, you may contact Trilogy's Compliance Hotline at 1-800-908-8618 extension 2800. This summary and others are also posted on Trilogy's external web site, [www.trilogyhs.com](http://www.trilogyhs.com) and Trilogy's intranet site under the Compliance home page.