

STATE FALSE CLAIMS ACT SUMMARIES

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As referenced in the Addendum to the Clark Memorial Hospital *Code of Conduct*, the following are summaries of the false claims acts and similar laws of the states in which Clark Memorial Hospital operates. This list will be updated from time to time as additional states implement such laws.

INDIANA

What is the Indiana False Claims and Whistleblower Protection Act?

The Indiana False Claims and Whistleblower Protection Act (IC 5-11-5.5) is a civil statute that helps the state combat fraud and recover losses resulting from fraud against the Indiana government.

Violations of the Indiana False Claims and Whistleblower Protection Act include:

- (1) presenting a false claim to the state for payment or approval;
- (2) making or using a false record or statement to obtain payment or approval of a false claim from the state;
- (3) with intent to defraud the state, delivers less money or property to the state than the amount recorded on the certificate or receipt the person receives from the state;
- (4) with intent to defraud the state, authorizes issuance of a receipt without knowing that the information on the receipt is true;
- (5) receiving public property as a pledge of an obligation on a debt from an employee who is not lawfully authorized to sell or pledge the property;
- (6) making or using a false record or statement to avoid an obligation to pay or transmit property to the state;
- (7) conspiring with another person to perform an act described in subdivisions (1) through (6); or
- (8) causing or inducing another person to perform an act described in subdivisions (1) through (6)

What are the Qui Tam Provisions and Whistleblower Protections?

The Indiana False Claims and Whistleblower Protection Act contains provisions that allow individuals (or qui tam plaintiffs) with information concerning fraud to file a lawsuit on behalf of the state. If the Attorney General or Inspector General intervenes, the statute allows individuals who report fraud to receive not more than twenty-five percent (25%) of the proceeds of the action or settlement, plus reasonable attorney's fees and an amount to cover the expenses and costs of bringing the action. If the attorney general or the inspector general did not intervene in the action, the person is entitled to receive at least twenty-five percent (25%) and not more than thirty percent (30%) of the proceeds of the action or settlement, plus reasonable attorney's fees and an amount to cover the expenses and costs of bringing the action. The state law protects employees who provide information to the state.

What are the Penalties?

Civil penalties are at least five thousand dollars (\$5,000) and for up to three (3) times the amount of damages sustained by the state. In addition, a person who violates this law is liable to the state for the costs of a civil action brought to recover a penalty or damages. If the person who violated this section:

- (1) furnished state officials with all information known to the person about the violation not later than thirty (30) days after the date on which the person obtained the information;
- (2) fully cooperated with the investigation of the violation; and
- (3) did not have knowledge of the existence of an investigation, a criminal prosecution, a civil action, or an administrative action concerning the violation at the time the person provided information to state officials; the person is liable for a penalty of not less than two (2) times the amount of damages that the state sustained because of the violation. A person who violates this section is also liable to the state for the costs of a civil action brought to recover a penalty or damages.