

Syllabus

Health Care Fraud and Abuse - Fall 2015

Room 508; Thursdays 2:10-4:10 p.m.

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1. **Course description:** Fraud in the health care system is pervasive. Billions of taxpayers' dollars are lost each year to fraud and abuse in the nation's health care system. Why? What are people trying to do about it? Are these efforts working? Can they be improved upon? We will explore these questions in a seminar that meets once a week, where we will cover the substantive basics of anti-fraud law in the health care field, but with a particular focus on problem-solving – trying to understand the perspectives of prosecutors, defense lawyers, medical providers, and corporate compliance personnel as they attempt to navigate this increasingly complex landscape. The hope is to keep the seminars lively and interactive, with students coming to class ready to participate and discuss the materials as if they were the decision-makers or the advisors to the decision-makers. You will draft short written memos and may do presentations on particular topics. Some of the work may be in teams.
2. **Books:**
 - a. No textbook, but selected excerpts from Loucks & Lam, *Prosecuting and Defending Health Care Fraud Cases*, 2nd ed. (2006) (with 2009 supplement) will be included in your materials and posted on Blackboard. I have ordered a copy for the library should you need to consult the full text.
 - b. Most readings will be posted in advance on Blackboard. These will consist of a wide variety of materials: case opinions, Department of Justice "Statements of Interest," articles, HHS/OIG guidance, etc.
3. **Reading List:** The reading list will be on Blackboard. *It may be modified or supplemented over the semester as we progress.* Most of the readings required for the first two months are already listed, but please check this regularly – as the semester goes along, there will be cases coming down that may be of interest to us, which may get posted on short notice.
4. **Attendance:** The seminar is scheduled to meet 13 times over the semester. You should attend and be prepared for no fewer than 11 classes. Attendance and participation in the class will be significant portions of your grade, so please take seriously the requirement to show up ready to go. I will note absences through a sign-in sheet, and through timely submission of any written projects due at the time of class. If you must miss a class, please let me know in advance if at all possible.

5. **Preparation and Class Discussion:** If you come to class having read and thought about the materials, you will learn more and find the seminar more interesting (and your grade will be higher). If you are unprepared, I prefer that you come to class nonetheless, but I would appreciate your telling me in advance that you have not been able to prepare, either by email or by phone. I do not expect to do all of the talking in the class, so come prepared to discuss the materials, and to answer questions from me or from any other participant in the seminar.

One component of the class will be working in teams on particular projects. Usually these will be teams of two or three, where you will be asked to come to class having prepared some specific topic to help guide the discussion. I will also be assigning on a regular basis very short writing assignments (like a young lawyer would be asked to do for a more senior lawyer) to help focus your work. These will not be onerous or lengthy, but you should pay careful attention to the instructions with respect to timeliness, length, and scope (most of these will be short and time-sensitive, as they would be in your future practices). If we're successful, these short assignments should be fun as well as substantive.

Electronics: Laptops will not be used during the seminar, given the discussion nature of the class. Take notes the old fashioned way. All the materials will be available electronically to us, and you should print out any materials to which you'd like to have access during the discussion. Turn your phones off before class and leave them off during class.

6. **Communication:** The class website will be on Blackboard. Supplemental course materials will be posted there. If you are experiencing problems with the class, or if other issues are impinging upon your class performance, please contact me. Email and cell phone are the quickest ways to reach me. If you call my downtown office number, please note that my assistant Melissa Tremblay, who generally works Tuesday through Thursday, will forward messages to me promptly if I am not there, *but that voicemails left on my downtown phone system may not be retrieved right away.* If it's time sensitive, call my cell or email me. I am happy to set up "office hours" for individualized meetings if needed; the times and locations of these will vary depending on my work schedule downtown. As a general matter, meeting with me right after class will be a reliable time.
7. **Evaluation:** Your grade will be based upon a) attendance and preparation, b) written assignments and presentations, and c) an open-book take home examination at the end of the course.
8. **Office Hours:** As an adjunct professor, I do not have an office at BU, but I am available to meet with students on reasonable notice (email is best). Both my office and home are close by, so this is not inconvenient. My commitment is to as available to you as circumstances permit.