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FCA Lawsuit Driven by Data Analytics Firm Is Dismissed by Whistleblower

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Although it was short-lived, a False Claims Act (FCA) lawsuit filed by a data metrics company against a physician group that was based mostly on Medicare billing data was unsealed in July, and attorneys say cases like this are worth keeping an eye on. There have been at least five in this genre, one of which is moving ahead with the Department of Justice (DOJ) on board.

In the complaint, the whistleblower, Lincoln Analytics Inc., which said it uses data and investigation to detect health care fraud, alleged that Global Integrated Medical Group Inc. in California billed Medicare for excessive care plan oversight (CPO) services.^[1] DOJ declined to intervene in September and Lincoln Analytics filed a notice of voluntary dismissal July 18.

So far, FCA cases where the whistleblowers are data analytic companies haven't gotten very far, with a big exception. DOJ in 2021 intervened in a novel whistleblower lawsuit against a skilled nursing facility company that alleged the submission of false claims based on a statistical analysis of Medicare data.^[2] DOJ took the ball and ran with it, adding firsthand knowledge of the alleged fraud from insiders to the data from the outsider whistleblower, Integra Med Analytics LLC, an associated company of Integra Research Group LLC.

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