

US False Claims Act: Nurse's Suit Thrown Out.

A hospital charge nurse filed suit against her former employer for violation of the US False Claims Act.

The US False Claims Act allows a private individual to file a civil lawsuit on behalf of the United States, and to keep a substantial percentage of the proceeds recouped from any person or corporation who has made a false or fraudulent claim against any US Government agency.

UNITED STATES DISTRICT COURT
ILLINOIS
August 29, 2007

The nurse's lawsuit raised vague allegations that drug detox, treatment and therapy patients were admitted who did not meet admission requirements, were up-coded as to the severity of their problems, were not treated by doctors who supposedly treated them and that treatment records were sometimes "fudged" at the doctors' insistence.

The US District Court for the Northern District of Illinois threw out the case. Not unmindful of the law's important purposes, the courts still insist that a private citizen filing suit under the US False Claims Act have detailed support for allegations of fraudulent billings including patient identification numbers, dates, amounts and solid proof exactly why the bills are fraudulent.

Private individuals are not allowed to file suit against a healthcare provider, then use the court processes to go on a "fishing expedition" looking for evidence to support the lawsuit. ***US v. Thorek Hosp., 2007 WL 2484333 (N.D. Ill., August 29, 2007).***