

## **QUI TAMS AGAINST TRICARE CONTRACTORS UNSEALED - THE GOOD NEWS STORY**

On March 12, 1999, qui tams were filed against many of the TRICARE contractors, current and past, alleging that millions of dollars had been incorrectly paid. The suit alleged that the contractors had not performed their contractual duty to query the DEERS database to ensure the patients were eligible prior to paying for the care. A qui tam is a whistleblower lawsuit in which an individual, referred to as a "relator," enlists the aid of private attorneys and, acting on behalf the US Government sues the entity accused of engaging in a fraudulent practice. The case is placed under seal by the court while Department of Justice investigates the allegations. Should the case be proven, the relator stands to share in up to 25 percent of the dollars recovered.

There have been a series of successful qui tam lawsuits brought against several Medicare and Medicaid contractors who have paid millions of dollars in penalties for turning off edits or improperly handling claims. The HHS-IG is implementing strong compliance plans and oversight of contractors in response to the successful qui tams.

TMA Program Integrity, with the assistance of multiple offices at TMA (particularly the then Program Evaluation Branch), conducted an audit and found that the contractors consistently made the correct eligibility determinations based on the information available at the time the claims were processed. The audit verified the integrity of the TRICARE claims processing system and that the internal controls outside and the edits in the national database were working. These checks assisted in resolving these allegations and establishing that they were unfounded.

As a result, after a year of review, the Department of Justice has officially declined to pursue any further action and the relator and his attorneys have voluntarily withdrawn their action. The TMA contractors are the only health care government contractors that have not been the successful subject of a qui tam action. The integrity of the contractors and the program design of TRICARE, which has built-in fraud controls, oversight controls through the national database, and separate oversight contractors, made it possible to demonstrate without a lengthy trial that the required eligibility checks have been done.