



IOWA DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

MEMORANDUM

TO: The Honorable Brad Zaun, Chair, Senate Judiciary Committee
The Honorable Nate Boulton, Ranking Member, Senate Judiciary Committee
The Honorable Steven Holt, Chair, House Judiciary Committee
The Honorable Ross Wilburn, Ranking Member, House Judiciary Committee
Timothy McDermott, Legislative Services Agency Directory

FROM: Stan Thompson, Deputy Attorney General for Civil Litigation

RE: 2022 False Claims Act Annual Report

DATE: June 2023

2022 False Claims Act Annual Report

This annual report concerning activity under Iowa's False Claims Act ("Act"), Iowa Code chapter 685, is submitted by the Office of Attorney General ("Office") pursuant to 2010 Iowa Acts, chapter 1031, section 345. (Attached.)

1. There were no cases filed under the Act by the Office during the previous calendar year (2022).
2. There were 31 cases filed under the Act by qui tam plaintiffs during the previous calendar year (2022).
 - 2a. See Appendix 1, Tab 2A.
 - 2b. All, but one, of the cases involve the Medicaid program. The other case involves potential false claims where no state program or agency has yet been identified.
 - 2c. The Office does not know whether the qui tam plaintiffs previously filed an action in another jurisdiction.
3. See Appendix 1, Tab 3A/3B/3C.

2010 Iowa Acts
Chapter 1031, Section 345

Sec. 345. ANNUAL REPORTING REQUIREMENT. On the thirtieth day after the effective date of this division of this Act, and on the anniversary of the effective date of this division of this Act each year thereafter, the attorney general shall submit to the chairpersons and ranking members of the house and senate committees on judiciary, the legislative caucus staffs, and the legislative services agency, in electronic format, a report containing all of the following information:

1. The number of cases the attorney general filed during the previous calendar year under this chapter.

2. The number of cases qui tam plaintiffs filed under this chapter during the previous calendar year, including those cases that remain under seal, and specifying all of the following for the cases:

a. The state or federal court in which each case was filed and the total number filed in each court.

b. The state program or agency involved in each case.

c. The number of cases filed by qui tam plaintiffs who previously filed an action based on the same or similar transaction or allegation under the federal False Claims Act or the false claims act of another state.

3. The amount recovered by the state in the form of settlement, damages, penalties, and litigation costs, if known, and specifying the following for each case:

a. The case number and parties for each case in which there was a recovery.

b. The amount of funds recovered respectively for damages, penalties, and litigation costs.

c. The percentage of the recovery and the amount that the state paid to any qui tam plaintiff.

2A Data

MCFU Number	Date Received	Location Filed
22-0003-C	01/07/2022	Washington ED
22-0008-C	01/26/2022	California SD
22-0011-C	02/02/2022	Vermont
22-0012-C	02/11/2022	Pennsylvania ED
22-0014-C	02/21/2022	South Carolina
22-0017-C	03/02/2022	Florida MD
22-0018-C	03/14/2022	Texas SD
22-0022-C	03/14/2022	Indiana SD
22-0025-C	04/08/2022	Pennsylvania ED
22-0027-C	04/28/2022	Illinois ND
22-0033-C	05/26/2022	California ND
22-0039-C	06/15/2022	California ND
22-0040-C	06/28/2022	New York SD
22-0044-C	07/01/2022	Massachusetts
22-0048-C	07/14/2022	Pennsylvania ED
22-0049-C	07/18/2022	Pennsylvania ED
22-0050-C	07/18/2022	Florida MD
22-0056-C	08/16/2022	Texas ND
22-0057-C	08/12/2022	New York ED
22-0058-C	08/19/2022	Maryland
22-0059-C	08/18/2022	Iowa ND
22-0060-C	08/18/2022	Michigan ED
22-0064-C	09/01/2022	New York ED
22-0080-C	10/31/2022	Michigan WD
22-0088-C	11/22/2022	Georgia ND
22-0089-C	11/29/2022	Iowa ND
22-0092-C	12/05/2022	Texas ED

2A Data

22-0098-C	12/19/2022 Massachusetts
22-0099-C	12/20/2022 New Jersey
22-0100-C	12/20/2022 Pennsylvania ED

Non-MFCU Number	
2022-257109	9/15/2022 Massachusetts

3A, 3B and 3C Data

Case #	Provider	Relator	Closing Date	Civil Case Type	Civil Restitution - Federal Share	Civil Restitution - State Share	Civil Penalty - State Share	Civil Relator - State Share	Civil Interest - State Share	Civil Court Case Number	Civil Court Case Name	Location Filed
16-0002-C	Essilor Inc	Doe	09/21/2022	GLOBAL	357.36	155.04	155.04	\$64.64	\$4.88	3:15-CV-2853-C	U.S. et al. ex rel. Doe v. Essilor International, et al.	Texas ND
17-0187-C	BSN Medical; et al	Bruce Carroll	09/21/2022	GLOBAL	1,147.75	536.08	536.08	\$268.04	\$0.30	3:17-cv-480	United States ex rel. Bruce Carroll v. BSN Medical, Inc. and John Does, 1 through 100	North Carolina WD
18-0147-C	Mallinckrodt Pharmaceuticals Inc	John Doe	08/18/2022	GLOBAL	779,903.06	672,940.02	0.00	\$178,378.00	\$27,396.01	18-11931 (PBS)	U.S., et al. ex rel. John Doe v. Mallinckrodt Pharmaceuticals, Inc	Massachusetts
19-0121-C	Bergman Folkers Plastic Surgery PC and Ronald S. Bergman, D.O.	Peggy West	10/27/2022	IN-STATE	63,573.23	66,955.63	0.00	\$22,318.55	\$0.00	3:19-cv-03050-CJW-KEM	U.S. et al. ex rel. Peggy West v. Bergman Folkers Plastic Surgery PC, et al.	Iowa ND
19-0146-C	Cardinal Health, Inc; et al	John Does 1, 2, and 3	04/20/2022	GLOBAL	4,501.97	3,244.61	1,622.30	\$1,216.73	\$46.89	19-cv-12488-IT	U.S. et al. ex rel. John Does 1, 2, and 3 v. Cardinal Health, Inc., et al	Massachusetts
22-0059-C	Respironics, Inc; et al	Craig Meyer	12/01/2022	NON-GLOBAL	2,005.05	1,203.87	1,203.88	\$0.00	\$0.00	17-cv-12	U.S., et al., ex rel. Craig Meyer vs. ResMed Corp. and Respironics, Inc	Iowa ND
					<u>\$851,488.42</u>	<u>\$745,035.25</u>	<u>\$3,517.30</u>	<u>\$202,245.96</u>	<u>\$27,448.08</u>			

Civil Case Types

For the purposes of this report, a "Global" case is defined as one in which the National Association of Medicaid Fraud Control Units (NAMFCU) has appointed a settlement, investigation, or litigation team **AND** in which the state either signs a settlement agreement drafted by the NAMFCU team or participates in a successful judgement litigated by the NAMFCU team.

For the purposes of this report, a "Non-Global" case is defined as one in which multiple states and/or the Federal government is involved, but does NOT involve a signed settlement agreement drafted by a NAMFCU team or a successful judgement litigated by a NAMFCU team.

For the purposes of this report, an "In-State" case is defined as a civil case involving Iowa that is resolved as a result of the cooperation between the Iowa Medicaid Fraud Control Unit and the Iowa Office of the US Attorney without any involvement of a NAMFCU team.