



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

RE: 2023 False Claims Act Annual Report

DATE: April 2024

2023 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 (2023).
2. There were 34 cases filed under the Act by qui tam plaintiffs during the previous calendar year (2023).
 - 2a. See Appendix 1, Tab 2A.
 - 2b. All, but six, of the cases involved the Medicaid program. The other six cases involve 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**MFCU Cases**

Number	Date Received	Location Filed
23-0001-C	01/18/2023	District of Massachusetts
23-0002-C	01/24/2023	Northern District of TX, Dallas Division
23-0003-C	01/24/2023	Eastern District of Pennsylvania
23-0008-C	02/08/2023	Southern District of Texas, Houston Division
23-0009-C	02/10/2023	Eastern District of Pennsylvania
23-0011-C	02/22/2023	Northern District of New York
23-0012-C	02/23/2023	Northern District of Texas, Dallas Division
23-0014-C	03/14/2023	District of New Jersey
23-0016-C	03/20/2023	Eastern District of Pennsylvania
23-0028-C	04/18/2023	Northern District of Iowa
23-0041-C	06/12/2023	Southern District of Ohio
23-0044-C	06/27/2023	Eastern District of Wisconsin
23-0045-C	06/27/2023	District of Columbia
23-0048-C	07/11/2023	Northern District of Illinois, Eastern Division
23-0051-C	07/25/2023	District of Massachusetts
23-0052-C	08/01/2023	Northern District of Texas, Dallas Division
23-0053-C	08/01/2023	District of Massachusetts
23-0055-C	08/04/2023	Central District of California
23-0060-C	08/24/2023	District of Massachusetts
23-0061-C	08/30/2023	District of South Carolina, Charleston Division
23-0072-C	10/18/2023	District of South Carolina, Charleston Division
23-0075-C	11/13/2023	Eastern District of Wisconsin, Green Bay Division
23-0076-C	11/13/2023	Southern District of New York
23-0078-C	11/16/2023	Southern District of Iowa
23-0079-C	11/30/2023	District of Massachusetts
23-0081-C	12/13/2023	Eastern District of Pennsylvania
23-0082-C	12/15/2023	Eastern District of Pennsylvania
23-0085-C	12/21/2023	Eastern District of Washington

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Non-MFCU Data

Case No.	Date Received	Location Filed
1:23-cv-02927	9/25/2023	District of Columbia DC
1:23-cv-01031	6/1/2023	District of Columbia DC
1:23-cv-00824-GPG	6/1/2023	Colorado DC
1:15-cv-02184	11/5/2023	District of Columbia DC
0:23-sc-03460-WMW-JFD	11/10/2023	District of Minnesota DC
23-CV-05206	8/1/2023	Southern District of New York

3A, 3B & 3C Data

Case #	Provider	Relator
17-0188-C	Medline Industries, Inc	Elizabeth Zellner
19-0098-C	Advanced Bionics Corporation and Sonova Holding AG	David Nyberg

Closing Date	Civil Case Type	Civil Restitution -		Civil Penalty - State		Civil Restor - State		Civil Interest - State		Civil Court Case Number	Civil Court Case Name	Location Filed
		Federal Share	Share	Share	Share	Share	Share					
02/15/2023	NON-GLOBAL	24,037.55	11,767.99	11,767.99	\$8,269.39	\$0.00	1:17-cv-06316	U.S. et al., ex rel. Elizabeth Zellner v. Medline Industries, Inc		Northern District of Illinois		
03/20/2023	GLOBAL	30,060.82	13,170.70	13,170.70	\$5,205.19	\$337.65	2:19-cv-3439	U.S. et al., ex rel. David Nyberg v. Advanced Bionics Corporation, et al.		Eastern District of Pennsylvania		
		<u>\$54,098.37</u>	<u>\$24,938.69</u>	<u>\$24,938.69</u>	<u>\$13,474.58</u>	<u>\$337.65</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.