

## Operating in a Post-FERA World: Congress Widens Net of False Claims Act Liability

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**June 3, 2009**

3:00 – 4:30 p.m. Eastern Time

On May 20, President Obama signed into law the Fraud Enforcement and Recovery Act of 2009 (FERA), which passed both houses of Congress by overwhelming bipartisan majorities. In addition to providing significant new funding and prosecutorial resources for financial fraud, FERA will make the most substantial changes to the federal False Claims Act (FCA) in 25 years and should be of concern to any company that receives federal funds, however indirectly.

### Key changes to be discussed include:

- » Extension of FCA liability to cover virtually any claims paid with government funds;
- » Expansion of the “reverse” false claims provision;
- » Broadening the FCA’s retaliation provisions to include “agents and contractors”;
- » Expansion of the government’s authority to investigate potential FCA violations;
- » Changes designed to allow the government to extend statutes of limitations; and
- » Implications for Congressional efforts to overhaul the nation’s healthcare system.

### Moderator:

**Paul Kalb**, head of Sidley’s Healthcare Practice, focuses his practice on criminal, civil and administrative enforcement actions and related litigation involving healthcare fraud and abuse and off-label promotion.

### Speakers:

**Jim Stansel**, former Acting General Counsel of the Department of Health & Human Services, is co-head of the firm’s Global Life Sciences Practice.

**Scott Stein**, partner in Sidley’s Healthcare Practice, represents numerous clients in False Claims Act investigations and litigation.

**John Ford**, former Senior Democratic Counsel to the House Energy and Commerce Committee, is currently Counsel in Sidley’s Healthcare Practice.

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