

# OFFICE OF COUNSEL TO THE INSPECTOR GENERAL

## OFFICE OF INSPECTOR GENERAL

The Office of Inspector General (OIG) was created by Congress in 1976 as an independent and objective component of the U.S. Department of Health and Human Services (HHS), responsible for conducting audits, investigations, and evaluations of the Department's programs and operations. HHS is currently responsible for approximately 250 programs with appropriated funding of over \$350 billion, including the Medicare and Medicaid programs, National Institutes of Health, Food and Drug Administration, Centers for Disease Control and Prevention, and Administration for Children and Families.

In the Health Insurance Portability and Accountability Act of 1996, Congress expanded and strengthened OIG's ability to combat health care fraud and abuse by providing powerful new criminal and civil enforcement tools as well as additional funding.

OIG's approximately 1300 employees are at the forefront of the Government's efforts to combat and prevent fraud, abuse and waste in the nation's health and social service programs. OIG's activities form the basis for criminal, civil and administrative prosecutions, as well as policy recommendations for the improvement of HHS programs.

## OFFICE OF COUNSEL TO THE INSPECTOR GENERAL

With a staff of approximately 75, the Office of Counsel to the Inspector General (OCIG) conducts a broad range of significant and challenging litigation and legal services. OCIG is a full service, in-house legal office for the entire OIG, rendering advice and opinions on HHS programs and operations and providing all legal support for OIG's internal operations.

On behalf of OIG, OCIG imposes program exclusions and civil monetary penalties on health care providers and litigates those actions administratively. OCIG attorneys represent OIG in the global settlement of cases arising under the civil False Claims Act, develop and monitor corporate integrity agreements, develop compliance guidance, render advisory opinions on OIG sanctions, and issue fraud alerts and other industry guidance.

OCIG is comprised of the following four branches:

### ADVICE BRANCH

The Advice Branch provides day-to-day legal counsel and representation to OIG managers and employees on a broad array of issues arising in the exercise of the Inspector General's responsibilities. This

"in-house counsel" role includes: (i) advice on the scope and exercise of the Inspector General's authorities, including investigative and audit procedures; (ii) advice on substantive requirements of HHS programs; (iii) legal support on administrative matters such as budget and appropriations, information disclosure and privacy, personnel law and employment discrimination, and ethics; and (iv) representation of OIG in administrative litigation involving personnel and tort actions involving OIG employees.

### ADMINISTRATIVE LITIGATION BRANCH

The Administrative Litigation Branch (ALB) has responsibility for all of the OIG's administrative sanctions litigation. ALB initiates and litigates actions seeking civil monetary penalties and exclusions of health care providers from participation in Federal health care programs for (among other matters) false claims, kickbacks, patient dumping, managed care fraud and poor quality of care. ALB attorneys identify appropriate cases, work with investigators and auditors to develop evidence, and initiate formal administrative actions. Litigation is conducted before Administrative Law Judges and appeals of the cases are heard by the HHS Departmental Appeals Board and the Federal courts. ALB attorneys represent the OIG in all of these forums and are responsible for settlement negotiations, as well as discovery, motions, examination of witnesses, and presentation of evidence through briefings and at hearings.

### CIVIL RECOVERIES BRANCH

The Civil Recoveries Branch (CRB) represents the OIG in all aspects of civil fraud and abuse cases that involve Medicare and Medicaid. CRB is comprised of two units: the Enforcement Unit (EU) and the Compliance Unit (CU).

EU attorneys work closely with OIG investigators and auditors, and with prosecutors from the Department of Justice (DOJ) to develop and pursue False Claims Act cases against individuals and entities that defraud the Government. EU attorneys assist DOJ prosecutors in litigation and in settlement negotiations arising from these cases. EU attorneys consider whether to implement the OIG's exclusion authority and evaluate defendants' abilities to adopt compliance measures. They typically negotiate complex agreements known as Corporate Integrity Agreements (CIA's) aimed at imposing such compliance mechanisms on a provider.

Once CIA's are executed, the CU staff (comprised of attorneys and program analysts) monitors providers' compliance with the terms of the CIA's and may conduct site visits to determine if the entity is in compliance. The CU staff also develops guidance for the health care industry in establishing voluntary compliance programs.

#### **INDUSTRY GUIDANCE BRANCH**

The Industry Guidance Branch (IGB) is responsible for drafting and issuing advisory opinions to the health care industry and members of the public on whether an activity (or proposed activity) would constitute grounds for the imposition of a sanction under the anti-kickback statute, the civil monetaries penalties law, or the program exclusion authorities. IGB

#### **A LEGAL CAREER WITH OCIG**

OCIG is looking for a diverse and talented workforce committed to helping protect Medicare and other HHS social service programs from fraud and abuse. We offer fulfilling and challenging legal career opportunities.

OCIG takes pride in its reputation for maintaining high professional standards as well as offering its employees an exceptionally rewarding work environment. New attorneys have significant autonomy, quickly receiving their own case loads and client responsibilities, but also are given ample opportunity to seek advice and guidance from senior OCIG attorneys. OCIG attorneys also work closely with experts and prosecutors in the Department's Office of the General Counsel and the U.S. Department of Justice.

Employment with OCIG offers excellent benefits, including flexible hours, credit hours, and employee cash awards. OCIG has an extensive, focused training program to further professional and personal goals. OCIG is housed in newly renovated offices, equipped with the latest technology, facing the National Mall in Washington, D.C.

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