



# HHS Office of Inspector General



## Fraud Prevention & Detection

### State False Claims Act Reviews

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#### General Information

As enacted by section 6031 of the Deficit Reduction Act of 2005, section 1909 of the Social Security Act (Act) provides a financial incentive for States to enact false claims acts that establish liability to the State for the submission of false or fraudulent claims to the State's Medicaid program. If a State false claims act is determined to meet certain enumerated requirements, the State is entitled to an increase of 10 percentage points in its share of any amounts recovered under a State action brought under such a law.

In order for a State to qualify for the incentive under section 1909 of the Act, the State must have in effect a law that meets the following requirements:

1. Establish liability to the State for false or fraudulent claims described in the False Claims Act (FCA) with respect to any expenditures related to State Medicaid plans described in section 1903(a) of the Act;
2. Contain provisions that are at least as effective in rewarding and facilitating *qui tam* actions for false or fraudulent claims as those described in the FCA;
3. Contain a requirement for filing an action under seal for 60 days with review by the State Attorney General;
4. Contain a civil penalty that is not less than the amount of the civil penalty authorized under the FCA.

42 U.S.C. § 1396h(b).

Under section 1909(b) of the Act, OIG is required to determine, in consultation with the Attorney General of the United States, whether a State has in effect a law relating to false or fraudulent claims submitted to a State Medicaid program that meets these enumerated requirements. The effective date of section 1909 of the Act is January 1, 2007.

On August 21, 2006, OIG published a notice in the *Federal Register* ([71 FR 48552 PDF](#)) that sets forth OIG's guidelines for reviewing State false claims acts. The guidelines invited States to request OIG's review of State laws to determine if the laws meet the requirements of section 1909(b) of the Act. The following is a list of State laws that have been reviewed by OIG.

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