

Attorney General Raoul Joins Bipartisan Coalition Seeking To Protect Public Funds From Fraud

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CHICAGO - Attorney General Kwame Raoul is asking the U.S. Supreme Court to protect publicly-funded programs from fraud by adopting a robust and fair reading of the False Claims Act (FCA). Raoul joined a bipartisan coalition of attorneys general in [filing a brief](#) in two Supreme Court cases that consider when a contractor can be held liable under the FCA for overbilling Medicaid.

The FCA is an important law enforcement tool that states and the federal government use when a contractor knowingly provides false billing information for some publicly-funded programs, including Medicaid.

“Illinois’ Medicaid program serves some of our state’s most vulnerable residents, who rely on it for their health care,” Raoul said. “I am asking the U.S. Supreme Court to preserve the False Claims Act, which is an important tool for my office to hold those who defraud this critical program accountable.”

A federal appellate court held that two retail chain pharmacies did not act “knowingly” under the FCA, even though they allegedly ignored official guidance on Medicaid billing, submitted false information and reaped a windfall in public Medicaid funds through overbilling. The brief argues that the Supreme Court should reverse the lower court rulings, which depart from the FCA’s text and will make it harder to protect public funds from fraud. Instead of the lower court’s unworkable rule, the brief explains why the Supreme Court should interpret “knowingly” under the FCA to allow evidence of what a provider knew or reasonably should have known based on relevant guidance issued by state Medicaid agencies.

Joining Raoul in filing the brief are the attorneys general of Alaska, California, Colorado, Connecticut, Delaware, District of Columbia, Georgia, Hawaii, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Vermont, Washington and Wisconsin.