



2.5.5 Fraud, Abuse, and False Claims Act

Chapter 2 - General	Original Effective Date: April 2000
Section: 2.5 Institutional Compliance Program	Date Last Reviewed: January 2022
Responsible Entity: Chief Audit Executive for Internal Audit & Consulting Services	Date Last Revised: March 2022

I. Purpose

The purpose of this policy is to provide detailed information regarding federal and state laws relating to false claims, including whistleblower provision in those laws, and to provide information on preventing, detecting, and reporting, waste and abuse at UT Health San Antonio.

II. Scope

This policy applies to all faculty, staff, students, residents, healthcare providers, researchers, contractors, or any other individual (collectively, Workforce Member, including employees and non-employees) who have direct or indirect involvement in operations by any UT Health San Antonio controlled affiliate, including, not limited to its clinics, hospitals, and research operations.

III. Policy

A. False Claims Act

The Federal False Claims Act (FCA) was passed by Congress to prevent the U. S. Government from paying federal funds for Fraudulent claims involving goods and services. For UT Health San Antonio (University), this includes a person who presents a false claim to a government employee or who provides a false record to get a claim paid or approved by the U.S. Government. The FCA outlines the federal penalties for submitting false claims, as well as protections granted to an individual who reports a violation.

Management is responsible for establishing internal controls and other monitoring mechanisms to prevent or detect fraud and abuse. Each manager should be familiar with the types of fraud, abuse, and false claims that might occur within their area of responsibility and should be alert for any indication of occurrences of fraud, abuse, and false claims. These occurrences may include, but are not limited to:

1. Forgery or alteration of any document or account belonging to the University;

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2. Forgery or alteration of any check, bank draft, or any other financial document;
3. Misappropriation of funds, supplies, or other assets;
4. Impropriety in the handling or reporting of money or financial transactions;
5. Accepting or seeking anything of material value from vendors or persons providing services/material to the University;
6. Destruction or disappearance of records; and/or,
7. Any similar or related irregularity.

Any fraud, abuse, and/or false claims that are detected or suspected must be reported immediately to the Chief Audit Executive for Internal Audit & Consulting Services (Chief Audit Executive). The Chief Audit Executive is responsible for coordinating all investigations (both internal and external) and for the administration, interpretation, and application of this policy.

Suspected fraud and abuse may also be reported to the Compliance hotline at 1-877-507-7317 or online at <http://uthscsa.edu/reportnow> and/or to the State Auditor's Office hotline and website at 1-500-TX-AUDIT, <https://sao.fraud.texas.gov/> .

B. Internal Audit

The Chief Audit Executives has primary responsibility for coordinating and performing specific financial and administrative investigations and will issue reports to the appropriate executive personnel as deemed appropriate.

Decisions to prosecute or turn matters over to appropriate law enforcement and/or regulatory agencies for independent investigation will be made in conjunction with University Police and executive personnel.

In those instances, in which the Chief Audit Executive considers it to be in the best interests of the University, Internal Audit Office staff have the authority and duty, after consulting with appropriate executive personnel, to:

1. Take control of, and/or gain full access to, all University premises, whether owned or rented, and;
2. Analyze, copy, and/or remove all or any portion of the contents of files, records, desks, cabinets, and other storage facilities on the premises without prior knowledge or consent or any individual who may use or have custody of any such items or facilities.

It is possible that certain allegations involving fraudulent activities covered by this policy may also involve violations of other University policies, criminal law, or the regulations of various state and federal agencies. When the Chief Audit Executive determines that the allegations relate solely to the violation of other policies, the Chief Audit Executive will refer the matter to the appropriate official with responsibility for such other policies.

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In cases where the allegations appear to constitute fraud, abuse, and false claims as defined in this policy and violate other regulations, the Chief Audit Executive shall meet with the officials responsible for the other policies and collectively with these officials develop a plan for conducting the investigation.

C. Reporting Procedure

Care must be taken in the investigation of suspected fraud, abuse, or false claims to avoid mistaken accusations or alerting suspected individuals that an investigation is in progress. Individuals who discover or suspect fraudulent activity or abuse should contact the Chief Audit Executive immediately. The reporting individual must adhere to the following restrictions:

1. Do not contact the suspected individual in an effort to determine facts or demand restitution. Do not perform any investigative procedures.
2. Do not discuss the case, facts, suspicions, or allegations with anyone outside the University.
3. Do not discuss the case with anyone inside the University other than the Office of Internal Audit & Consulting Services or other authorized University officials who have a legitimate need to be informed concerning the specifics of the investigation.

IV. Definitions

When used in this document, the following words have the meaning set forth below unless a different meaning is required by context.

Abuse -includes misuse of authority or position for personal financial interests.

False claim - is any action involving untruthful or fraudulent requests for payment or reimbursement being submitted to the federal government, state government, private sector company, organization, or entity.

Fraud -is a type of illegal act involving the obtaining of something of value through willful misrepresentation. Abuse involves behavior that results in excessive or unreasonable costs to the University or other state or federal agencies.

V. Related References

See the U.S. Government Accountability website for further details about the federal False Claims Act (FCA), <http://www.gao.gov/index.html>.

VI. Review and Approval History

- A. The approving authority of this policy is the University Executive Committee.
- B. The review frequency cycle is set for three years following the last review date, a time period that is not mandated by regulatory, accreditation, or other authority.

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Effective Date	Action Taken	Approved By	Date Approved
04/2000	Policy Origination		
01/2016	Policy Revision		
01/2022	Policy Revision, discretionary edits, new template	ICPO	1/05/22
03/2022	Relocated/renumbered policy from 2.6 Miscellaneous (2.6.3) to 2.5 Institutional Compliance Program (2.5.5).	Chief Audit Executive /ICPO	3/11/22