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HEALTHCARE RISK MANAGEMENT QUOTES BRANDON ESSIG ON THE IMPACT OF NEW DOJ WHISTLEBLOWER PROGRAM

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By: **Brandon K. Essig**

Lightfoot, Franklin & White LLC partner **Brandon K. Essig** recently shared his thoughts on the new Department of Justice whistleblower program with Healthcare Risk Management. The **article** features Essig's views on how the new program could shape whistleblower cases in the healthcare industry.

The Corporate Whistleblower Awards Pilot Program exposes previously off-limits areas of healthcare organizations to whistleblower reports of possible fraud. Under the new program, whistleblowers may report fraud involving private insurance plans, whereas previously, only fraud involving government-funded programs could be brought to light. In addition, whistleblowers involved in successfully prosecuted cases stand to receive a substantial financial reward in the form of a percentage of the forfeited assets, up to $50 million.

Essig told Healthcare Risk Management that he expects cases brought under this new program to function in the same way they have under the False Claims Act (FCA), though with a potentially accelerated timeline, as cases brought under the new pilot program could proceed more quickly than with the FCA.

"That accelerated timeline will make this an attractive option, and perhaps a preference, for lawyers who represent whistleblowers," Essig said.

In addition, Essig said companies now have an even stronger incentive to monitor themselves and self-report. Under the new program, if companies disclose internal reports of fraud to the DOJ within 120 days, they could avoid being prosecuted or having to pay a whistleblower an award.

Essig focuses his practice on white-collar criminal defense, corporate investigations, NCAA compliance and investigations, and general litigation. He joined Lightfoot after nearly eight years as a federal prosecutor for the Department of Justice in the Middle District of Alabama, where he investigated and prosecuted crimes including public corruption, fraud, money laundering, violent crime, organized drug trafficking, environmental crimes and child exploitation. Essig was also a Captain and prosecutor in the U.S. Marine Corps. During his service, he deployed with an infantry unit to Fallujah, Iraq.