

ethikos Volume 33, Number 3. March 01, 2019 Easy money: False Claims fact or fiction?

By Jane Brown

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The Editorial Board of *TheWall Street Journal* (WSJ) published an article^[1] in December that explored the possible exploitation of whistleblower laws by an organization called the National Health Care Analysis Group (NHCAG). Whistleblower laws are codified in large part under the False Claims Act (FCA), which allow Americans to sue companies for defrauding the government. The line that most stuck out to me was, “The trial bar can smell money from the next solar system, and under a successful False Claims Act suit the plaintiffs and lawyers often collect 15% to 30% of the recovery to the government.”

I don’t endorse the tactics employed by the NHCAG. Rather the opposite is true; the conduct alleged in the article is indeed reprehensible and gives whistleblowers a bad name. Beyond that, the issue I see in this article is the lack of distinction between “coached” whistleblowers and the whistleblowers who put their names, reputations, and careers on the line. These individuals who were “coached” sound like victims themselves, and certainly not the valiant troops seeking to uphold a more-than-century-old tradition of ensuring the government isn’t defrauded.

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