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DOJ Criminal Division Extends Self-Disclosure Benefits to Individuals

By Nina Youngstrom

The rewards of voluntary self-disclosure are now being offered to individuals—not just the corporations they work for—under a new U.S. Department of Justice (DOJ) pilot program.^[1] In a nutshell, individuals who come forward with information about criminal conduct may escape prosecution—if they meet certain conditions. DOJ said it's hoping the possibility of a non-prosecution agreement (NPA) will entice people to reveal corporate and white-collar offenses and encourage companies to have effective compliance programs.

The pilot program, which was announced April 15, “is part of a larger push that DOJ is making to try to encourage voluntary self-disclosure,” said Matthew Krueger, a former U.S. attorney. In January 2023, DOJ updated its policy to offer tangible rewards to companies when they reveal their involvement in possible criminal misconduct,^[2] and U.S. attorneys followed suit with their own version.^[3] In another policy unveiled in October, DOJ offers companies that self-disclose criminal misconduct related to mergers and acquisitions an escape hatch from criminal prosecution.^[4]

And now there's a path for people tainted by criminal activity to benefit from self-disclosure. “If individuals come forward with truthful information and meet other criteria outlined in the policy, they will receive a non-prosecution agreement,” said Jacob Foster, principal assistant chief of DOJ's criminal division, at the HCCA Compliance Institute April 15. “They have to cooperate and provide substantial assistance, but otherwise culpable individuals inside have a clear path to turn the page.”

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