

OHIO LAW

Ohio law imposes civil liability on those persons who falsify reports or documents required by state or federal law, rule, or provider agreement relating to payments under the Ohio Medicaid program. Ohio law also imposes criminal liability on any person who knowingly makes or causes to be made a false or misleading statement or representation for use in obtaining reimbursement from the Ohio Medicaid program.

Ohio Revised Code § 5111.03 imposes civil liability on any person who:

- By deception, obtains or attempts to obtain payments to which the provider is not entitled pursuant to the provider agreement, or the rules of the federal government or the department of job and family services relating to the Ohio Medicaid program.
- Willfully receives payments to which he is not entitled, or willfully receives payments in an amount greater than to which he is entitled; and
- Falsifies any report or document required by state or federal law, rule, or provider agreement relating to Medicaid payments.

Ohio Revised Code § 2913.40 imposes criminal liability on any person who:

- knowingly makes or causes to be made a false or misleading statement or representation for use in obtaining reimbursement from the Ohio Medicaid program.

At the time VistaCare's False Claims Policy was adopted, Ohio had not enacted its own legislation similar to the Federal False Claims Act allowing private citizens or employees to file civil lawsuits to recover monetary damages against individuals and entities that submit false or fraudulent claims to the state Medicaid program.

Ohio law prohibits employers from taking disciplinary or retaliatory action against an employee who makes a lawful report of a violation of state or federal statutes. If an employer does so, the law allows the employee to bring civil action for injunctive relief, reinstatement, payment of back wages, reinstatement of benefits and seniority rights and reimbursement of litigation costs, including attorney's fees and interest.

Ohio's whistleblower laws require an employee to notify his employer, both verbally and in writing, of any suspected illegal activity, policy or practice before disclosure to the appropriate governmental agency to give the employer a reasonable opportunity to correct the activity. If a good faith effort is not made within 24 hours of receipt of notice, the employee may file a written report with the county prosecutor, law enforcement, any governmental agency that has regulatory authority over the employer or the inspector general.

Should Ohio enact additional legislation pertaining to the submission of false claims, this summary will be updated to include detailed information about this false claims

legislation and any additional penalties, civil or criminal, imposed pursuant to that legislation for false claims and statements.

References:

Medicaid fraud: ORC § 5111.03 and ORC § 2913.40

Whistleblower Protection: ORC § 4113.51 to 4113.53