



From the desk of Attorney General Bob Cooper



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Recovering TennCare Money Lost Through Fraud

Tennesseans are fortunate to live in a state that offers healthcare of the highest quality. However, as we have seen all too often, there are always a few individuals or corporations who simply cannot resist the temptation to break the rules for an extra buck or two, or a few million. When that happens, my office works with other state agencies, my counterparts in other states, and the federal government to ensure that taxpayer money is recovered and healthcare fraud is punished.

Over the last year, Tennessee has recovered more than \$35 million in approximately fourteen healthcare provider fraud cases under the State's Medicaid False Claims. These cases represent a variety of schemes including fraudulent billing to TennCare, kickbacks to physicians, drug-switching schemes, off-label marketing to improperly promote specific drugs and misrepresenting the prices for pharmaceuticals to the government.

Much of the credit for these recoveries lives with the TennCare Provider Fraud Task Force, which includes representatives from the Attorney General's Office, the TennCare Bureau and the Medicaid Fraud Control Unit of the Tennessee Bureau of Investigation. The Task Force has been working since 2006 to help Tennessee put more healthcare money back where it belongs.

The General Assembly approved a new law last year that strengthens these enforcement efforts. It makes lying or willfully withholding evidence in connection with a TennCare fraud investigation a felony in Tennessee. The law is similar to one used by the federal government. We believe this new law is already working to enhance our ability to focus on providers who attempt to defraud the system as well as our ability to recover money illegally taken from TennCare.

Just last month, my office along with the task force announced that Tennessee will recover \$11.3 million in restitution and penalties from Eli Lilly and Company. Lilly has agreed to stop its alleged improper marketing of the anti-psychotic drug Zyprexa. Lilly was accused of promoting Zyprexa for conditions such as depression, anxiety, nausea and even gambling addiction as well as other uses not approved by the federal government. Eli Lilly is also alleged to have paid incentives to induce physicians to prescribe Zyprexa for unapproved uses.

The Eli Lilly case is one of many positive results of our cooperative work with fellow agencies, the federal government, and most importantly, the citizens of our state through their reports of abuse to the government. Tennesseans are sending us a clear message to crack down on those who attempt to defraud the State. We applaud our citizens who step forward to help. Anyone who is aware of fraud within the TennCare program is urged to call the TBI hotline at 1-800-433-5454. Tipsters may remain anonymous.