**False Claims Prevention - Deficit Reduction Act of 2005**

**Massachusetts State Laws Addendum**

Massachusetts claims laws fall into two categories: administrative and civil laws; and criminal laws. Many of the laws overlap. Some apply to recipient false claims, and some apply to provider false claims, and some apply to whistleblower protections.

***Massachusetts False Claims Act (M.G.L. c. 12 §§ 5A-5O)***

The Massachusetts False Claims Act contains a provision that imposes liability on a person who, among other things, knowingly presents, or causes to be presented, a false or fraudulent claim for payment or approval. Under the Massachusetts False Claims Act, “knowing” or “knowingly” means “possessing actual knowledge of relevant information, acting with deliberate ignorance of the truth or falsity of the information or acting in reckless disregard of the truth or falsity of the information; . . . and no proof of specific intent to defraud shall be required.”

***Massachusetts False Claims Act Penalties (M.G.L. c. 12 § 5B(a))***

The Massachusetts False Claims Act provides for civil penalties of not less than $5,500 and not more than $11,000 per false claim, plus treble damages and costs.

***Massachusetts False Claims Act Whistleblower Protections (M.G.L. c. 12 § 5JA-5O)***

The Massachusetts False Claims Act prohibits employers from adopting or enforcing any policy that prevents an employee, contractor or agent from disclosing information to a government or law enforcement agency or from acting to further efforts to stop violations of the Massachusetts False Claims Act.

***Massachusetts Anti-Kickback Statute (M.G.L. c. 175H §3)***

The Massachusetts Anti-Kickback Statute contains a provision that imposes liability on a person who, among other things, solicits or receives any remuneration, directly or indirectly, overtly or covertly, in cash or in kind in return for purchasing, leasing, ordering or arranging for or recommending purchasing, leasing or ordering of any good, facility, service, or item for which payment is or may be made by a heath care insurer. The liability also extends to any person who offers or pays any such remuneration. Penalties for violating the Massachusetts Anti-Kickback Statute include fines of not more than $10,000 and imprisonment.

***Massachusetts Whistleblower Protections (M.G.L. c. 149 §185)***

Massachusetts laws make it unlawful for an employer to take any retaliatory action against an employee because the employee discloses or threatens to disclose an activity, policy or practice that the employee reasonably believes is in violation of law; provides information to any public body investigating any violation of law; or objects to or effuses to participate in any activity that the employee reasonably believes is in violation of law. Unless certain exceptions are satisfied, the whistleblower protections do not apply unless the employee has brought the activity, policy or practice to the attention of a supervisory of the employee by written notice and has afforded the employer a reasonable opportunity to correct the activity, policy or practice.