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

**Connecticut State Laws Addendum**

Connecticut false claims statutes include administrative, civil and criminal laws. Many of the laws overlap, applying to providers, recipients, and disclosers of such claims.

***Connecticut False Claims Act (Conn. Gen. Stat. § 4-274)***

The liability and damages provisions under the CFCA are similar to those under the federal FCA. So, for example, an individual will be liable for knowingly presenting or causing the presentation of a false or fraudulent claim under a medical assistance program administered by the Department of Social Services, or knowingly making, using, or causing to be made or used a false claim under a medical assistance program administered by the Department of Social Services. Under the Connecticut False Claims Act, “‘[k]nowing’ and ‘knowingly’ means that a person, with respect to information….[h]as actual knowledge of the information; … acts in deliberate ignorance of the truth or falsity of the information; or … acts in reckless disregard of the truth or falsity of the information, without regard to whether the person intends to defraud.”

***Connecticut False Claims Act Penalties (Conn. Gen. Stat. § 4-275)***

The damages provision in the CFCA is similar to the statutory language of the federal FCA and allows for treble damages and civil penalties ranging from $5,500 to $11,000 per claim. The CFCA also makes a violator liable to the state for the cost of investigating and prosecuting the matter. In addition, the CFCA follows the federal statute by providing for the reduction of liability to not less than twice the amount of damages if the defendant voluntarily discloses the violations within thirty days of obtaining the information, if there is no criminal, civil, or administrative action yet taken on the violation, and if the defendant cooperates with the investigation.

***Connecticut False Claims Act Whistleblower Protections (Conn. Gen. Stat. § 4-284)***

The Connecticut 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 Connecticut False Claims Act.

***Connecticut Anti-Kickback Statute (Conn. Gen. Stat. § 20-579 and § 53a-161d)***

A person is criminally liable for “paying a kickback when he knowingly offers or pays any benefit, in cash or kind, to any person with intent to influence such person…[t]o refer an individual, or to arrange for the referral of an individual, for the furnishing of any goods, facilities or services for which a claim for benefits or reimbursement has been filed with a local, state or federal agency; or … to purchase, lease, order or arrange for or recommend the purchasing, leasing or ordering of any goods, facilities or services for which a claim of benefits or reimbursement has been filed with a local, state or federal agency, where “refer” means to send, direct or recommend and “referral” means the act of sending, directing or recommending.

Moreover, Connecticut specifically holds pharmacies liable for kickback-like conduct. For example, where a pharmacy splits fees for professional services, including a discount or rebate, with a prescribing practitioner or an administrator or owner of a nursing home or [other facilities], the pharmacy may lose its license and may be subject to a civil penalty of up to $1,000.