An Institutional Response to Investigations, Subpoenas, and Search Warrants

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Who Will Contact Your Organization?

- State regulators
- Federal regulators
- State law enforcement
- Federal law enforcement, i.e. FDA, EPA, etc.
- FBI, OIG-HHS
- State police
- State Attorney General's Office
- U.S. Justice Department





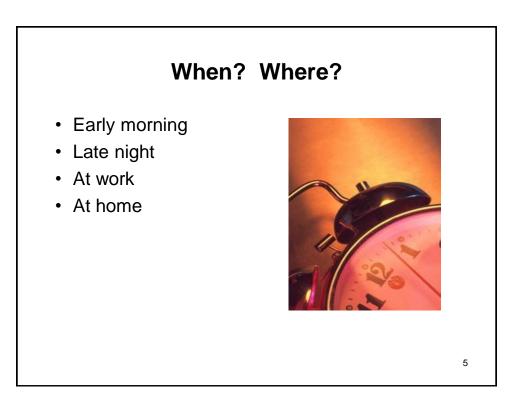
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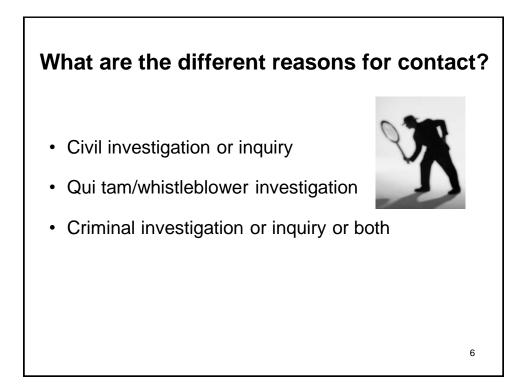
What are the types of contact that are initiated by government representatives, to your organization?

- Letter routine request for information from regulators
- Phone call from regulators
- Subpoena
- Search warrant
- Undercover investigation
- Cooperating witness



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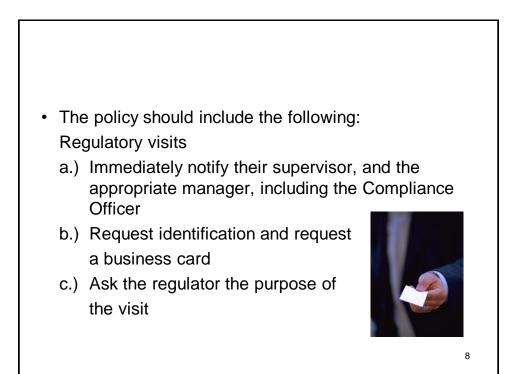


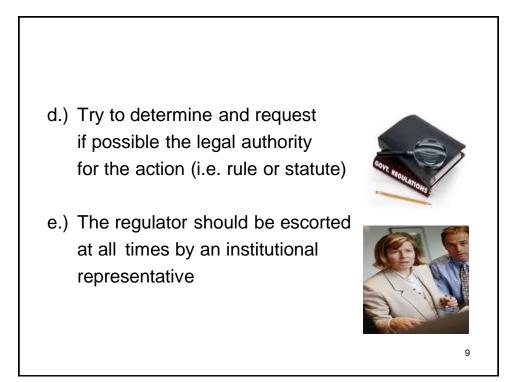


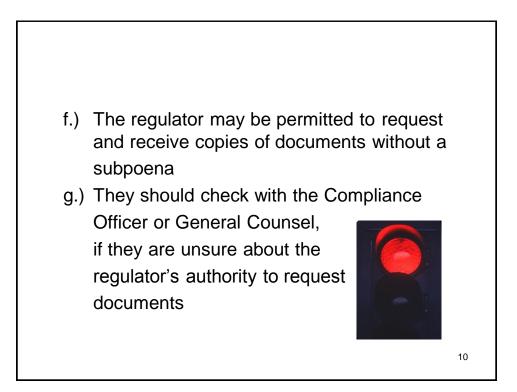
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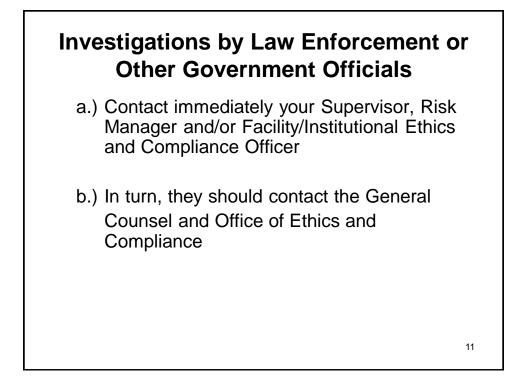
Institutional Response to Regulatory Demand

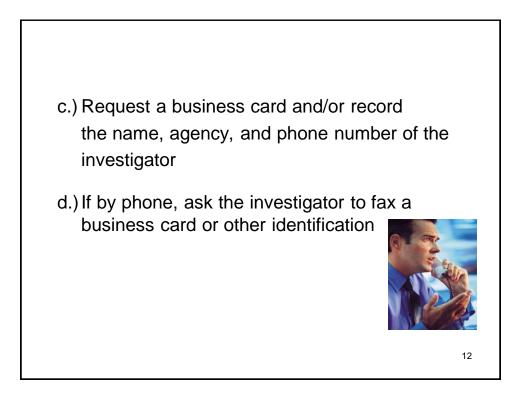
 Each institution should have a written policy stating that it is their intent to cooperate fully and respond appropriately to any regulatory visit or investigation.

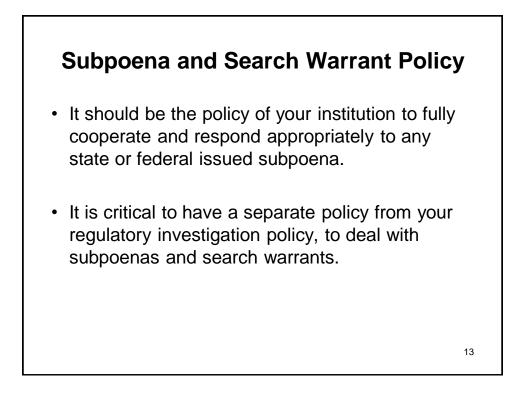


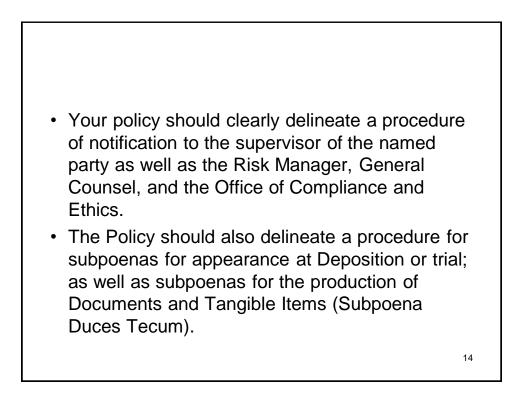








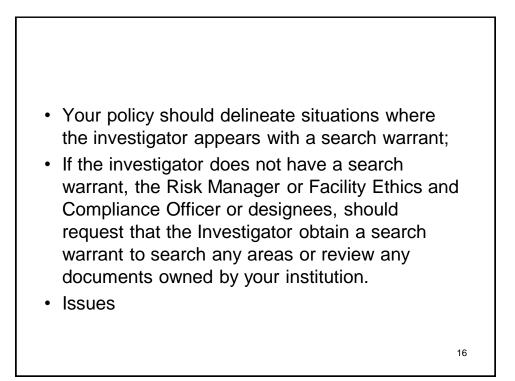


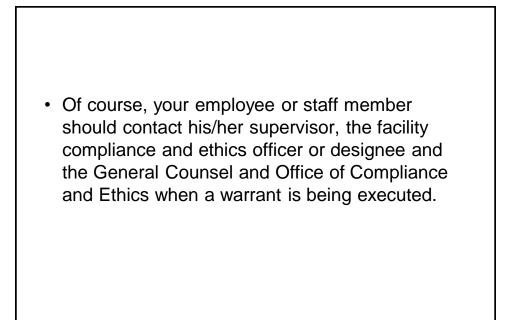


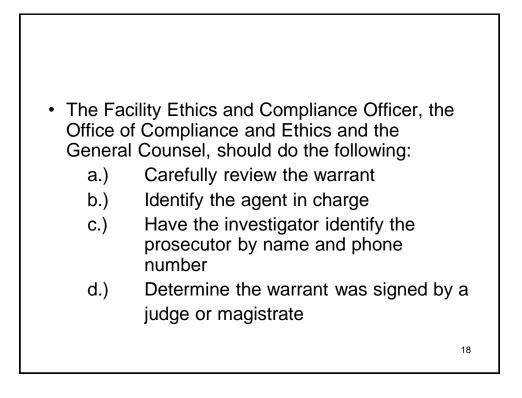
In Healthcare Situations:

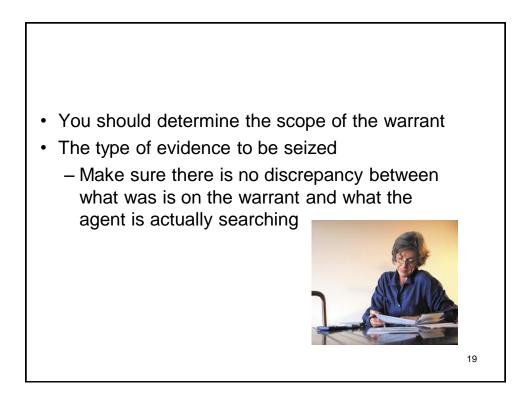
 Of course, all requests for patient medical records will comply with the applicable federal and state lawprotecting PHI (in this case HIPAA).

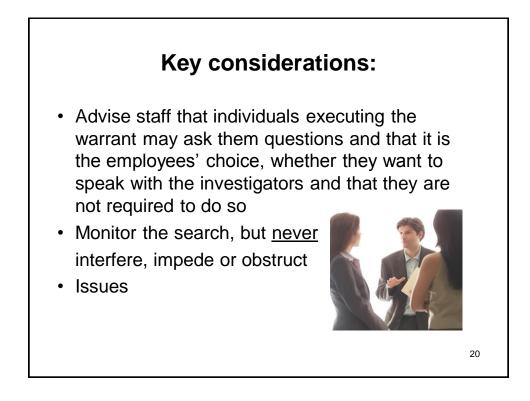


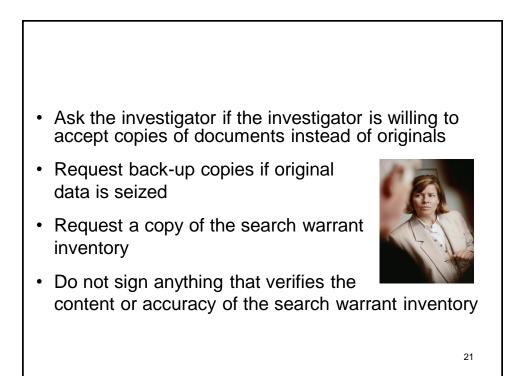


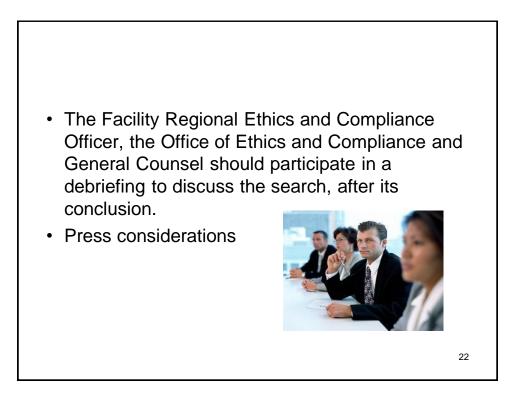






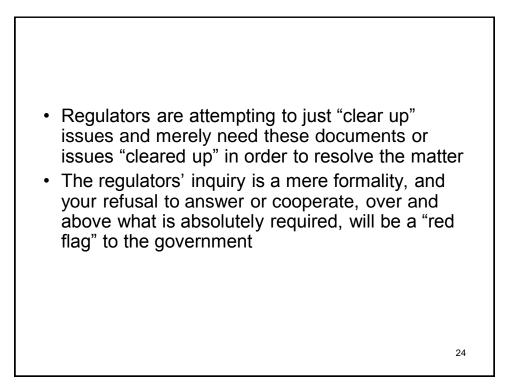


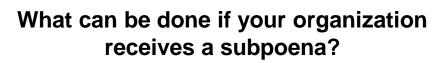




Common Perceptions or Misperceptions

- "Helping" or "Cooperating" with the government, over and above, what is required by law is expected
- Refusing to "cooperate," over and above what is required by the law, will make the individual or institution, "look" or be perceived as "guilty" or as having something to "hide."





- Your counsel and/or compliance and ethics officer should review the subpoena
- There should be a determination if there are legal grounds to object
- Motion for protective order (i.e. overbroad and not reasonable)
- Know the legal limits of the regulators' regulatory review authority

