

Vorys Partners Profiled in *LEAD Cincinnati* Magazine Story Entitled "Preparing for the Affordable Care Act"

Related Attorneys

Jolie N. Havens

Victor A. Walton, Jr.

Related Services

Employee Benefits and Executive Compensation

Related Industries

Health Care

NEWS | 3.19.2013

Cincinnati partners Michael Bronson and Victor Walton and Columbus partner Jolie Havens were featured in the inaugural edition of *LEAD Cincinnati*, a new publication for business executives in the tri-state area. The attorneys were interviewed for a story about the challenges employers and health care providers face as they work to achieve compliance with the mandates included in the Affordable Care Act (ACA).

The story states:

"We're encouraging not only our healthcare clients but also employers in all industries to assess right now their level of ACA compliance," says Jolie Havens, a partner at the firm. 'Employers may think they still have a lot of time to figure it all out, but they really don't. There are some very significant decisions to be made now – decisions that can impact overall employer culture and staffing models and drive internal tracking and external reporting obligations for employers. Because ACA requirements are so nuanced and application is so employer-specific, you need legal counsel who is specialized in this area, and Vorys has over 40 attorneys who can offer that relative to various aspects of ACA compliance.'"

The story also highlighted the False Claims Act provisions included in the ACA that make it easier for the government to penalize health care providers for improper and sometimes accidental medical billing, stating:

"There are so many complexities and nuances proposed by the Affordable Care Act," explains Bronson. 'In addition to the compliance issues detailed in this law, a major theme is combating healthcare fraud and abuse on the back end. To address those issues, Congress has created some significant amendments to the federal False Claims

Act. Under that statute the Department of Justice has been recovering billions of dollars a year. These amendments serve to reduce the scope of or even eliminate the defenses that have been available to healthcare providers in False Claims Act cases.'

The penalties for even a simple clerical error in medical billing can be severe. 'If you, as a healthcare provider, have been overpaid, whether you billed the government in error or the government has erroneously overpaid you, an innocent mistake can quickly become a false claim,' says Walton. 'The penalties for these errors are quite harsh, often three times the amount you have mistakenly kept. The employer mandates coming into play in 2014 are similarly draconian, and if you don't meet these obligations, you are looking at some significant penalties. Mistakes can multiply very quickly, especially in the healthcare industry.'

To download a PDF of the story, click [here](#).