

U.S. Department of Justice and the Office of the Inspector General Plan to Target Physicians' Relationships with Pharmaceutical Companies and Medical Device Manufacturers

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The U.S. Department of Justice ("DOJ") and the Office of Inspector General for the U.S. Department of Health and Human Services ("OIG") have indicated that they intend to begin criminally and civilly prosecuting physicians for maintaining improper financial relationships with pharmaceutical manufacturers and/or medical device manufacturers. DOJ and OIG are particularly concerned about arrangements in which pharmaceutical manufacturers or medical device manufacturers pay physicians' consulting fees, pay for physicians to travel for seminars and pay physicians advanced royalties for the development of medical devices or pharmaceutical products, as well as other ways in which pharmaceutical manufacturers and/or medical device manufacturers can provide remuneration to physicians that may influence prescribing activity or use of medical device products. Lewis Morris, Chief Counsel for OIG, is quoted in *The New York Times* on the OIG's reasoning: "What we need to do is make examples of a couple of doctors so that their colleagues see that this isn't worth it. We want to send the message to the physician community - particularly surgeons - that you can't do this." Potential penalties include criminal penalties, civil money penalties, exclusion from the Medicare and Medicaid programs and other fines.

For Further Information

If you have questions concerning this guidance or would like more information, please contact [Frederick R. Ball](#), any of the other [health law lawyers](#) in the [Healthcare Fraud and Abuse Practice Group](#) or [White-Collar Criminal Defense, Corporate Investigations and Regulatory Compliance Practice Group](#) or the attorney in firm with whom you are regularly in contact.