

Written Works by Robert Salcido

Books

- False Claims Act & the Healthcare Industry: Counseling & Litigation, (3d ed. American Health Lawyers Ass'n 2018).

Chapters in Books

- *The False Claims Act in Health Care Prosecutions: Application of the Substantive, Qui Tam, and Voluntary Disclosure Provisions*, in HEALTH CARE FRAUD AND ABUSE: PRACTICAL PERSPECTIVES, CH. 3 (3d ed. BNA Books 2013)
- *2018 Supplement to The False Claims Act in Health Care Prosecutions: Application of the Substantive, Qui Tam, and Voluntary Disclosure Provisions*, in HEALTH CARE FRAUD AND ABUSE: PRACTICAL PERSPECTIVES, CH. 3 (3d ed. BNA Books 2013)
- *False Claims Act: Health Care Applications and Defenses* in BLOOMBERG BNA HEALTH LAW & BUS. SERIES NO. 2650 (2012)
- *When Legal Advice is Advisable*, Coding for Chest Medicine, Ch. 28 (AMERICAN COLLEGE OF CHEST PHYSICIANS 2014)
- *Addressing Challenges in Defense of a Health Care Fraud or Abuse Investigation*, in *Inside the Minds: Responding to Health Care Fraud and Abuse Investigations*, Ch. 4 (ASPATORE BOOKS 2008).

Articles

- *False Claims Act Circuit Splits—FCA Issues That May Soon Reach The Supreme Court Or Lead To Congressional Amendment*, PRATT'S GOVERNMENT CONTRACTING LAW REPORT (April 2018)
- *Under What Circumstances Can a Private Qui Tam Plaintiff Overrule Government Agency Experts' Use of Administrative Discretion to File False Claims Act Actions in the Post-Escobar World?* PRATT'S GOVERNMENT CONTRACTING LAW REPORT (December 2017)
- *Recent Significant Case Law Developments Regarding What Constitutes a Reckless Interpretation of a Law and When Retention of an Overpayment Violates the False Claims Act*, PRATT'S GOVERNMENT CONTRACTING LAW REPORT (December 2016)
- *What Must the Government Prove to Establish That a Defendant Recklessly Interpreted a Statute or Regulation in Violation of the False Claims Act?—Part I*, PRATT'S GOVERNMENT CONTRACTING LAW REPORT (May 2016)
- *Understanding When an Overpayment Can Result in False Claims Liability and Why Current Court Precedent and Regulatory Guidance is Mistaken—Part I*, PRATT'S GOVERNMENT CONTRACTING LAW REPORT (March 2016)
- *Minimizing Exposure to Stark Law Liability in False Claims Act Cases by Isolating Those Who Determine Fair Market Value From Those Who Measure Contribution Margin or Other Similar Operational Data*, PRATT'S GOVERNMENT CONTRACTING LAW REPORT (February 2016)
- *When a Violation of a Rule or Regulation Becomes an FCA Violation: Understanding the Distinction Between Conditions of Payment and Conditions of Participation*, PRATT'S GOVERNMENT CONTRACTING LAW REPORT (January 2016)

- *The False Claims Act: Is it Narrowly Intended to Protect the Treasury or Broadly Intended to Enforce All Rules and Regulations?* JOURNAL OF HEALTH & LIFE SCIENCES LAW, American Health Lawyers Association (June 2014)
- *The 2009 False Claims Act Amendments: Congress' Efforts to Both Expand and Narrow the Scope of the False Claims Act*, 39 PUB.CONT.L.J. 4 (2010) [favorably cited in *United States ex rel. Farmer v. Eagle Sys. Servs.*, 2015 U.S. Dist. LEXIS 2492 (E.D.N.C. Jan. 9, 2015)]
- *Lessons From a Claims Act Case Alleging a Violation of the Anti-Kickback Act: United States ex rel. Pogue v. Diabetes Treatment Centers*, THE METROPOLITAN CORPORATE COUNSEL, (March 2009) (co-authored with Kelly Cleary and Mara McDermott)
- *Limiting the Scope of the False Claims Act: the Tenth Circuit's Decision in United States ex rel. Conner v. Salina Regional Health Center*, THE METROPOLITAN CORPORATE COUNSEL, (February 2009) (co-authored with Kelly Cleary and Mara McDermott)
- *Recent False Claims Act Prosecutions Fall Flat*, THE NATIONAL LAW JOURNAL (July 4, 2005)
- *The Government's Increasing Use of the False Claims Act Against the Health Care Industry*, JOURNAL OF LEGAL MEDICINE (December 2003) [favorably cited in *United States ex rel. Phillips v. Permian Residential Care Center*, 386 F. Supp. 2d 879 (W.D. Tex. 2005) and *United States ex rel. Bailey v. Ector County Hosp.*, 386 F. Supp. 2d 759 (W.D. Tex. 2004)]
- *HHS Expanded Use Of Fraud Law's "Corporate Death Sentence" Is Legally Suspect*, WASHINGTON LEGAL FOUNDATION (June 2003) (co-authored with Ronald H. Clark and Gabriel L. Imperator)
- *The Public Disclosure Bar of the False Claims Act*, HEALTH CARE FRAUD LITIGATION REPORTER (April 2002)
- *The Government Unleashes the Stark Law to Enforce the False Claims Act: the Implications of the Government's Theory for the Future of False Claims Act Enforcement*, THE HEALTH LAWYER (August 2001)
- *Government's Recent Law Enforcement Efforts: What Can Be Learned from the Latest FCA Complaints*, HEALTH CARE FRAUD LITIGATION REPORTER (June 2001)
- *The Supreme Court's Ruling in Vermont Agency of Natural Resources v. United States and the Future of False Claims Act Qui Tam Actions*, 28 HEALTH LAW DIGEST 3 (American Health Lawyers Ass'n, August 2000)
- *The Use Of Voluntary Disclosures to Pre-Empt Qui Tam Actions under the False Claims Act: An Analysis of the Bank of Farmington Case and the OIG's Voluntary Disclosure Program*, 27 HEALTH LAW DIGEST 3 (American Health Lawyers Ass'n, April 1999)
- *The Government Declares War on Qui Tam Plaintiffs Who Lack Inside Information: The Government's New Policy to Dismiss These Parties in False Claims Act Litigation*, THE HEALTH LAWYER (October 2000) [favorably cited in *United States ex rel. Bagley v. TRW, Inc.*, 212 F.R.D. 554 (C.D. Cal. 2003)]
- *Mixing Oil and Water: The Government's Mistaken Use of the Medicare Anti-Kickback Statute in False Claims Act Prosecutions*, 6 ANNALS HEALTH L. 105 (1997)
- *Application of the False Claims Act "Knowledge" Standard: What One Must "Know" to be Held Liable Under the Act*, THE HEALTH LAWYER (Mid-Winter 1996)
- *Screening Out Unworthy Whistleblower Actions: An Historical Analysis of the Public Disclosure Jurisdictional Bar to Qui Tam Actions Under the False Claims Act*, 24 PUB.CONT.L.J. 237 (1995) [favorably cited in *United States v. Board of Trustees of Stanford Univ.*, 161 F.3d 533 (9th Cir. 1998); *United States ex rel. Findley v. FPC-Boron Employees' Club*, 105 F.3d 675 (D.C. Cir. 1997); *United States ex rel. Ackley v. IBM*, 76 F. Supp. 2d 654 (D. Md. 1999); and *United States ex rel. Mistick PBT v. Housing Authority*, 186 F.3d 376 (3d Cir. 1999) (dissenting opinion)]

- *Investigating Allegations of Fraud: Questions to Ask When Evaluating Whether Cost Report Claims Breach the False Claims Act*, HEALTH CARE FRAUD LITIGATION REPORTER (February, 2000)
- *DOJ Must Reevaluate Use of False Claims Act in Medicare Disputes*, WASHINGTON LEGAL FOUNDATION (Jan. 7, 2000)
- *HHS' Voluntary Disclosure Program: How To Obtain Benefits Under The Program While Minimizing Risk*, THE HEALTH LAWYER (Summer 1995)
- *Coding Component: Important Element Of Compliance Plan*, HEALTHCARE FINANCIAL MANAGEMENT (Aug., 1997) (co-authored with Trudy Whitehead)
- *The Supreme Court Punts: The Court's Non-Ruling On The False Claims Act And Its Implications For The Health Care Industry*, THE HEALTH LAWYER (vol. 9, no. 7, 1997).