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A LIMITED WINDOW AND LOWER MULTIPLIER: DOJ AND HHS LAUNCH NEW FCA SELF-DISCLOSURE PILOT PROGRAM

On October 22, 2026, the U.S. Department of Justice ("DOJ") Civil Division and the U.S. Department of Health & Human Services ("HHS") launched the Healthcare False Claims Act Self-Disclosure Pilot Program ("FCA SDPP" or "Program"), a six-month pilot program designed to provide eligible health care entities with a pathway to voluntarily disclose potential False Claims Act ("FCA") violations and obtain a coordinated civil resolution with both DOJ and HHS. The Program is available to qualifying disclosures submitted by **April 22, 2027**, and is a joint initiative among DOJ, HHS, HHS Office of Inspector General ("HHS-OIG") and the Centers for Medicare & Medicaid Services ("CMS").

For providers and other health care entities evaluating potential FCA exposure, the Program offers potentially significant incentives, including potentially lower repayment amounts than what a disclosing party would be able to achieve through HHS-OIG's Health Care Fraud Self-Disclosure Protocol or a typical disclosure to DOJ. Qualifying entities also may avoid a Corporate Integrity Agreement ("CIA"), certain CMS civil monetary penalties and enrollment revocation.

THE FCA SELF-DISCLOSURE PILOT PROGRAM

The Program is available to health care providers, suppliers, manufacturers, payors and related entities that furnish, arrange for, manufacture, distribute, insure, administer or bill for items or services reimbursed, subsidized or otherwise paid for, directly or indirectly, through federal health care programs administered by HHS. In addition, to qualify, the potential FCA violation must have been unknown to the federal government. If the government already knows of the potential violation, the entity may still be eligible for self-disclosure and cooperation credit under Justice Manual § 4-4.112, but it will not qualify for a resolution through the FCA SDPP.

A qualifying disclosure must describe the relevant conduct and applicable legal requirements, provide documents reflecting the nature and operation of the potential FCA violations, identify corrective measures and provide sufficient financial information for DOJ to calculate the Base Self-Disclosure Repayment (*i.e.,* single damages).

A POTENTIALLY MORE FAVORABLE RESOLUTION PATH

The financial terms may be the Program's most significant incentive. Under the FCA SDPP, repayment will range from 1.25 to 1.6 times the Base Self-Disclosure Repayment. In determining where a disclosure falls within that range, DOJ and HHS will consider factors including: (i) the timeliness of disclosure; (ii) the duration and scope of the conduct; (iii) the involvement of senior leadership; (iv) the financial benefit to the disclosing entity; and (v) in successor-liability circumstances, whether the successor promptly remediated the conduct.

The range is particularly notable when compared with HHS-OIG's existing self-disclosure framework, which generally starts at 1.5 times the single damages and may go higher. By comparison, resolutions with DOJ typically involve a two times multiplier.

The FCA SDPP also offers one-stop shopping. A qualifying entity may receive an FCA release from DOJ and a Civil Monetary Penalties Law release from HHS-OIG, and may avoid a CIA from HHS-OIG and program exclusion from CMS.

THE SIX-MONTH WINDOW MAKES EARLY EVALUATION IMPORTANT

The Program's benefits come with a firm deadline. Complete submissions must be received by **April 22, 2027**, and the government expressly states that late or partial submissions will not be accepted or reviewed. Accordingly, health care entities with existing compliance reviews, audit findings, internal investigations or other identified issues that could implicate the FCA may want to evaluate promptly with counsel whether the conduct could qualify for the Program and whether voluntary disclosure is appropriate.

PRACTICAL TAKEAWAYS

- **Potentially Lower Repayment.** Qualifying entities may benefit from a 1.25 to 1.6 multiplier and other coordinated resolution benefits.
- **Move Swiftly.** Eligibility will disappear once the government learns of the conduct.
- **Plan for the Deadline.** Evaluate compliance issues and assess strategy with legal counsel since complete submissions are due April 22, 2027, and late or partial submissions will not be reviewed.

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- **Evaluate Before Disclosing.** The benefits and appropriate disclosure pathway depend on the particular facts and should be assessed with legal counsel.

For more information about the FCA SDPP or assistance evaluating whether identified conduct may be appropriate for voluntary self-disclosure, please contact:

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