



**U.S. Department of Justice**

Executive Office for United States Attorneys

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Office of the Director

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SEP 12 2002

Ms. Jane M. Orient, M.D.  
Association of American Physicians  
and Surgeons  
1601 N. Tucson Blvd., Suite 9  
Tucson, AZ 85716-4230


Dear Dr. Orient:

This responds to your letter of August 16, 2002, concerning the Department of Justice's handling of health care fraud prosecutions. Your detailed letter references numerous concerns about our June 12, 2002, correspondence to you and the Department's handling of health care fraud matters, particularly with respect to the Medicaid program. As stated in our previous correspondence, considerations of legal ethics and law preclude us from responding to many of your statements concerning specific cases.

Fraud and abuse in the Medicare and Medicaid programs is a serious problem to which we lose billions of dollars each year. These losses drain scarce resources away from programs providing medical services to millions of elderly and financially needy Americans. In the most egregious cases, some health care fraud schemes, such as those in which needed services are not rendered, could pose a direct risk to the health and safety of individual patients. While many doctors are conscientious in billing Medicaid for medical services rendered, unfortunately a small number have engaged in illegal activity. It is this illegal conduct that the United States Attorneys' offices are tasked with addressing. Please be assured, however, that prosecutorial decisions are made by the United States Attorneys' offices only after careful review of all available information, and in light of the guidelines set forth in the *Principles of Federal Prosecution*. As mentioned in our June 12, 2002, letter to you, our commitment to the enforcement of federal civil and criminal laws is not affected by the occupation of any particular individual who is alleged to have engaged in unlawful activity.

Finally, to the extent you seeking information about specific prosecutions or training within the Department of Justice, this type of information, if available, may only be obtained via a request under the provisions of the Freedom of Information Act. In that case, I encourage you to consult an attorney who can advise you concerning the appropriate method of requesting this information.

Sincerely,

  
Louis De Falaise  
Senior Counsel to the Director