

**Healthcare Fraud and Abuse**  
**Spring 2026**  
**Course # 5217/17492**  
**8:30a-10:30a TH**

<i>Adjunct Professor</i>	Banee Pachuca <a href="mailto:bpachuca@winston.com">bpachuca@winston.com</a> +1 713-651-2634
<i>Course Objectives</i>	This course will examine federal and state anti-kickback laws, the federal anti-referral (Stark) law, and the beneficiary inducement laws. This course will provide a basic overview of the applicable laws and regulations governing healthcare providers and suppliers. We will review the application of these laws as they apply in the context of commercial relationships, business operations, and transactions. The course will also cover voluntary disclosure processes as well as strategies to implement and operate an effective compliance program as it relates to these laws.
<i>Mode of Instruction</i>	Synchronous Online
<i>Office Hours</i>	Please contact me via email at the email listed above to schedule a time that is convenient for both of us.
<i>Attendance and Participation</i>	General course attendance is required under the University of Houston Law Center (UHLC) attendance policy. If you anticipate that you will miss a class, please inform me by email in advance. Recorded class sessions will not be made available to students who miss class sessions. Students will be expected to study the assigned material, obtain copies of notes from their colleagues, and follow up with me if they have questions about the material covered in a missed class session.  Participation in class discussions is expected and, as set forth below, will comprise a portion of the grade.
<i>Grading</i>	Grades will be based upon a written final exam and class participation as follows: <ul style="list-style-type: none"> <li>• Take-Home Final Exam = 85% <ul style="list-style-type: none"> <li>○ The take-home exam will be made available at 9:00 a.m. on the exam date and will be due by 9:00 p.m. the same day.</li> </ul> </li> <li>• In-class participation = 15% <ul style="list-style-type: none"> <li>○ Your participation grade will be based on the quality of your contributions to class discussions and responses to questions based on class material. You are expected to attend each class and be prepared for class by having read the assigned reading in advance, being ready to discuss such reading, and participating in the discussion (whether in the form of questions from me or discussion among the class as a whole).</li> </ul> </li> </ul>

<p><i>Course Reading Materials</i></p>	<p>The mandatory textbook for this Course is AHLA Legal Issues in Health Care Fraud and Abuse, Fifth Edition (ISBN 9780769881577).</p> <p>We will also review additional reading materials, primarily consisting of statutes, regulations, cases, and agency guidance. Assigned readings or course materials are subject to change.</p>
<p><i>Honor Code</i></p>	<p>The UHLC Honor Code applies to all aspects of this course. You are responsible for knowing all Honor Code provisions and for complying with the Honor Code. Please inquire if you have any questions regarding how the Honor Code’s provisions apply to specific activities or situations related to this course. Your continuing enrollment in this course is deemed to be a pledge by you under the Honor Code to comply with the Honor Code in relation to this course and to comply with the instructions in the course syllabus.</p>
<p><i>Prohibition on the Use of AI</i></p>	<p>Software technology known as artificial intelligence has recently expanded its capability to generate text and other work product (AI Generated Work Product). Examples of the technology include what are known as “generative” large language models (LLMs) and a specific implementation of what is well known in the general public as ChatGPT. These systems can generate text and other work product in response to prompts and/or input of other text/documents/code/images. The output—the AI Generated Work Product—appears to have human mimicking “intelligence” and is thus potentially usable as a substitute for material students might generate themselves. AI Generated Work Product can include computer code or programs as well as human language content and materials.</p> <p>Your continuing enrollment in this course obligates you not to knowingly prompt, generate, or use any AI Generated Work Product in relation to any activity or assessment in this course. This applies to AI Generated Work Product from yourself or others. This obligation includes that your assessment materials in the course be without any contribution from AI Generated Work Product. This obligation specifically includes not plagiarizing any writing required of you for assessment in the course: AI Generated Work Product will be treated as from another/others in applying the plagiarism policy to this course. The term “assessment” means any material generated for this course that is submitted to the instructor or presented in a class session, regardless of whether it is graded content or not. Assessments include mid-terms and final exams. AI Generated Work Product may not be used in the development or drafting of any assessments created by you in a non-proctored environment, such as a “take home” final examination.</p>
<p><i>Recording of Class</i></p>	<p>Students may not record all or part of a class, livestream all or part of a class, or make/distribute screen captures without my advanced written consent. If you have or think you may have a disability such</p>

	<p>that you need to record class-related activities, please contact the Justin Dart, Jr. Student Accessibility Center (Dart Center). If you have an accommodation to record class-related activities, those recordings may not be shared with any other student, whether in this course or not, or with any other person or on any other platform. Classes may be recorded by the instructor. Students may use instructor’s recordings for their own studying and notetaking. Instructor’s recordings are not authorized to be shared with anyone without my prior written approval. Failure to comply with requirements regarding recordings will result in a disciplinary referral to the Dean of Students Office and may result in disciplinary action.</p>
<p><i>Mental Health and Wellness Resources</i></p>	<p>The University of Houston has a number of resources to support students’ mental health and overall wellness, including CoogsCARE and the UH Go App. UH Counseling and Psychological Services (CAPS) offers 24/7 mental health support for all students, addressing various concerns such as stress, college adjustment, and depression. CAPS provides individual and couples counseling, group therapy, workshops and connections to other support services on and off campus. For assistance, visit <a href="http://uh.edu/caps">uh.edu/caps</a>, call 713-743-5454, or visit a Let’s Talk location in person or virtually. Let’s Talks are daily, informal confidential consultations with CAPS therapists where no appointment or paperwork is needed.</p> <p>Need Support Now? – If you or someone you know is struggling or in crisis, help is available. Call CAPS crisis support 24/7 at 713-743-5454, or call or text 988, the National Suicide and Crisis Lifeline, or chat <a href="http://988lifeline.org">988lifeline.org</a>.</p>
<p><i>Title IX/Sexual Misconduct</i></p>	<p>Per the UHS Sexual Misconduct Policy, your instructor is a “responsible employee” for reporting purposes under Title IX regulations and state law and must report incidents of sexual misconduct (sexual harassment, nonconsensual sexual contact, sexual assault, sexual exploitation, sexual intimidation, intimate partner violence, or stalking) about which they become aware to the Title IX office. Please know there are places on campus where you can make a report in confidence. You can find more information about resources on the Title IX website at <a href="https://uh.edu/equal-opportunity/title-ix-sexual-misconduct/resources/">https://uh.edu/equal-opportunity/title-ix-sexual-misconduct/resources/</a>.</p>
<p><i>Reasonable Academic Adjustments/Auxiliary Aids</i></p>	<p>The University of Houston is committed to providing an academic environment and educational programs that are accessible for its students. Any student with a disability who is experiencing barriers to learning, assessment, or participation is encouraged to contact the Dart Center to learn more about academic accommodations and support that may be available to them. Students seeking academic accommodations will need to register with the Dart Center as soon as possible to ensure timely implementation of approved accommodations. Please contact the Dart Center by visiting the</p>

	<p>website: <a href="https://uh.edu/accessibility/">https://uh.edu/accessibility/</a>, calling 713-743-5400, or emailing <a href="mailto:jdcenter@Central.UH.EDU">jdcenter@Central.UH.EDU</a>.</p> <p>The Student Health Center offers a Psychiatry Clinic for enrolled UH students. Call 713-743-5149 during clinic hours, Monday through Friday 8 a.m. – 4:30 p.m. to schedule an appointment.</p> <p>The A.D. Bruce Religion Center offers spiritual support and a variety of programs centered on well-being.</p> <p>If you need help but don't know where to start, you can go to the Center for Student Advocacy and Community (CSAC). CSAC is a "home away from home" and serves as a resource hub to help you get the resources needed to support academic and personal success. Through our Cougar Cupboard, all students can get up to 30 lbs of FREE groceries a week. Additionally, CSAC provides one-on-one appointments to get you connected to on- and off-campus resources related to essential needs, safety and advocacy, and more. The Cougar Closet is a registered student organization advised by our office and offers free clothes to students so that all Coogs can feel good in their fit. CSAC also hosts a series of cultural and community-based events that fosters social connection and helps the cougar community come closer together. Visit the CSAC homepage or follow CSAC on Instagram: <a href="#">@uh_CSAC</a> and <a href="#">@uhcupbrd</a>. YOU belong here.</p>
<i>Women and Gender Resource Center</i>	<p>The mission of the Women and Gender Resource Center (WGRC) is to advance the University of Houston and promote the success of all students, faculty, and staff through educating, empowering, and supporting the UH community. The WGRC suite is open to you. Stop by the office for a study space or to take a break, grab a snack, or check out one of the WGRC programs or resources. Stop by Student Center South room B12 (basement floor near Starbucks and down the hall from Creation Station) from 9 a.m. to 5 p.m. Monday through Friday.</p>
<i>Syllabus Changes</i>	<p>Please note that the instructor may need to make modifications to the course syllabus. Notice of such changes will be announced as quickly as possible.</p>

**Course Outline: Note that the following is subject to change.**

<p>January 22</p>	<p>Introduction to Fraud and Abuse Laws  Overview of Applicable Agencies  Overview of Statutory and Regulatory Framework and Guidance</p> <hr/> <p>Chapter 1 – The Fraud Enforcers: Who Are They and What Do They Do? (Entire chapter)</p> <p><a href="https://oig.hhs.gov/compliance/physician-education/fraud-abuse-laws/">https://oig.hhs.gov/compliance/physician-education/fraud-abuse-laws/</a></p> <p><a href="https://oig.hhs.gov/compliance/">https://oig.hhs.gov/compliance/</a></p> <p><a href="https://www.cms.gov/medicare/regulations-guidance/physician-self-referral">https://www.cms.gov/medicare/regulations-guidance/physician-self-referral</a></p>
<p>January 29</p>	<p>Federal Anti-Kickback Statute Overview</p> <hr/> <p>Chapter 2 – Federal Anti-Kickback Laws (Section 2.1 Overview)</p> <p><a href="https://oig.hhs.gov/documents/special-fraud-alerts/871/office_space.htm.html">https://oig.hhs.gov/documents/special-fraud-alerts/871/office_space.htm.html</a></p> <p><a href="https://oig.hhs.gov/faqs/general-questions-regarding-certain-fraud-and-abuse-authorities/">https://oig.hhs.gov/faqs/general-questions-regarding-certain-fraud-and-abuse-authorities/</a> (FAQ 1)</p> <p><a href="https://oig.hhs.gov/faqs/compliance-considerations/">https://oig.hhs.gov/faqs/compliance-considerations/</a> (FAQ 2)</p> <p><a href="https://oig.hhs.gov/compliance/advisory-opinions/23-06/">https://oig.hhs.gov/compliance/advisory-opinions/23-06/</a></p>
<p>February 5</p>	<p>Federal Anti-Kickback Statute Safe Harbors  Application of Anti-Kickback Statute in Practice</p> <hr/> <p>Chapter 2 – Federal Anti-Kickback Laws (Sections 2.3; 2.3.b.2; 2.3.b.5; 2.3.c; 2.3.g.1; 2.3.m)</p> <p>Supplement Chapter 2 – Federal Anti-Kickback Laws (Sections 2.3.a (stop at CMS-sponsored models on p. 14); 2.3.c)</p> <p>42 CFR § 1001.952—scan</p> <p><a href="https://oig.hhs.gov/documents/special-fraud-alerts/871/office_space.htm.html">https://oig.hhs.gov/documents/special-fraud-alerts/871/office_space.htm.html</a></p>

	<p><a href="https://oig.hhs.gov/compliance/alerts/">https://oig.hhs.gov/compliance/alerts/</a> (11-16-2020; Special Fraud Alert: Speaker Programs)</p> <p><a href="https://oig.hhs.gov/compliance/advisory-opinions/23-07/">https://oig.hhs.gov/compliance/advisory-opinions/23-07/</a> Advisory Opinion 23-07</p> <p><a href="https://oig.hhs.gov/compliance/advisory-opinions/98-07/">https://oig.hhs.gov/compliance/advisory-opinions/98-07/</a> Advisory Opinion 98-07</p> <p><a href="https://www.justice.gov/opa/pr/biogen-inc-agrees-pay-900-million-settle-allegations-related-improper-physician-payments">https://www.justice.gov/opa/pr/biogen-inc-agrees-pay-900-million-settle-allegations-related-improper-physician-payments</a> Biogen Inc. Agrees to Pay \$900 Million to Settle Allegations Related to Improper Physician Payments</p> <p><a href="https://www.justice.gov/opa/pr/pfizer-agrees-pay-nearly-60m-resolve-false-claims-allegations-relating-improper-physician">https://www.justice.gov/opa/pr/pfizer-agrees-pay-nearly-60m-resolve-false-claims-allegations-relating-improper-physician</a> Pfizer Agrees to Pay Nearly 60M to Resolve False Claims Allegations Relating to Improper Physician Payments by Subsidiary</p>
February 12	<p>Stark Law Overview</p> <hr/> <p>Federal Physician Self-Referral Prohibitions (Section 3.1, Section 3.2, Section 3.3, Section 3.4.a, Section 3.5) Supplement Chapter 3 (Sections 3.3.b and 3.3.c)</p> <p><a href="https://www.justice.gov/opa/pr/united-states-resolves-237-million-false-claims-act-judgment-against-south-carolina-hospital">https://www.justice.gov/opa/pr/united-states-resolves-237-million-false-claims-act-judgment-against-south-carolina-hospital</a> United States Resolves \$237 Million False Claims Act Judgment against South Carolina Hospital that Made Illegal Payments to Referring Physicians</p> <p><a href="https://www.justice.gov/opa/pr/former-chief-executive-south-carolina-hospital-pays-1-million-and-agrees-exclusion-settle">https://www.justice.gov/opa/pr/former-chief-executive-south-carolina-hospital-pays-1-million-and-agrees-exclusion-settle</a> Former Chief Executive of South Carolina Hospital Pays \$1 Million and Agrees to Exclusion to Settle Claims Related to Illegal Payments to Referring Physicians</p> <p>Court of Appeals Affirms \$237 Million Judgment Against Community Hospital in False Claims Act Case – Commentary (Email attachment)</p> <p>Advisory Opinion No. CMS-AO-2021-01 (Email attachment)</p>
February 19	<p>Stark Law Exceptions Part 1 (Ownership / Ownership &amp; Compensation)</p> <p><i>Will continue review of reading materials from the previous class.</i></p>

February 26	<p>Stark Law Exceptions Part 2 (Compensation)</p> <hr/> <p>Federal Physician Self-Referral Prohibitions (Section 3.4.a.2 and Section 3.4.c)  Supplement Chapter 3 (Sections 3.4.c)</p> <p>42 CFR § 411.355(b) – scan</p> <p>42 CFR § 411.357 – scan</p> <p>HCA Policy on Physician Recruitment (email attachment)</p> <p>Tenet Physician Relocation FAQs (email attachment)</p> <p>Tenet Policy on Business Courtesies to Physicians and Immediate Family Members (email attachment)</p> <p>Stark Law IOAS Questionnaire (email attachment)</p>
March 5	<p>Application of Stark Law in Practice</p> <hr/> <p>Federal Physician Self-Referral Prohibitions (Section 3.3.c.2, Section 3.6.a, Section 3.6.b, Section 3.6.c)  Supplement Chapter 3 (Sections 3.6)</p> <p>Halifax Article (email attachment)</p>
March 6	<p>State Kickback and Self-Referral Laws</p> <hr/> <p>Chapter 6 State and Private Initiatives to Combat Fraud (Section 6.1, Section 6.2, Section 6.3, Section 6.4, and Section 6.6)</p> <p>Phrma Code (email attachment)  AdvaMed Code of Ethics (email attachment)</p>
March 12	<p>The False Claims Act  <i>Guest Speaker</i></p>
March 19	<p><b><i>Spring Break</i></b></p>
March 26	<p>Beneficiary Inducement Overview and in Practice</p> <p>Section 4.3.a.3 in the textbook and supplement</p> <p><a href="https://oig.hhs.gov/faqs/general-questions-regarding-certain-fraud-and-abuse-authorities/">https://oig.hhs.gov/faqs/general-questions-regarding-certain-fraud-and-abuse-authorities/</a> (Questions 2,3, and 5)</p> <p>Advisory Opinion 20-08 <a href="https://oig.hhs.gov/compliance/advisory-opinions/20-08/">https://oig.hhs.gov/compliance/advisory-opinions/20-08/</a></p>

	<p>Advisory Opinion 23-03 <a href="https://oig.hhs.gov/compliance/advisory-opinions/23-03/">https://oig.hhs.gov/compliance/advisory-opinions/23-03/</a></p> <p>Advisory Opinion 17-01 <a href="https://oig.hhs.gov/compliance/advisory-opinions/17-01/">https://oig.hhs.gov/compliance/advisory-opinions/17-01/</a></p>
April 2	<p>Voluntary Disclosures  <a href="#">Health Care Fraud Self-Disclosure Protocol</a>  <a href="#">CMS Self-Referral Disclosure Protocol</a></p> <p>Section 7.9 in Textbook and Supplement</p> <p>CMS Self-Referral Disclosure Protocol Forms (email attachment)</p> <p>OIG’s Health Care Fraud Self-Disclosure Protocol (email attachment)</p> <p><a href="https://oig.hhs.gov/fraud/enforcement/?type=fraud-self-disclosures&amp;page=1">https://oig.hhs.gov/fraud/enforcement/?type=fraud-self-disclosures&amp;page=1</a> (we will review together in class)</p>
April 9	<p>Effective Compliance Programs</p> <p>Sections 7.1 through 7.8 in the Textbook</p>
April 16	<p>Fraud and Abuse Laws in Practice  <b><i>Guest Speaker</i></b></p>
April 23	<p>Last Class Review</p>