



HOW TO SURVIVE A MEDICAID FRAUD INVESTIGATION

WARNING: READ THIS SPECIAL REPORT BEFORE
RESPONDING TO THE BUREAU OF FRAUD INVESTIGATION



How to Survive a Medicaid Fraud Investigation

By: John Howley, Esq.

By the time Medicaid fraud investigators contact you, most of their investigation is finished. They have already reviewed your application and recertification forms; they have your payroll records from current and former employers; they have visited your home to see who lives there; and they have come to the conclusion that you violated the law.

The next step is critical. Will they charge you with serious crimes? Will they demand that you pay back money? Can you or your lawyer convince them that you did nothing wrong or that any mistakes you made were unintentional?

The answers to these questions will depend on how you respond to the investigators. Respond properly and you can usually avoid serious consequences even if you made mistakes. Fail to respond properly and you may face a life-changing disaster that includes jail time, heavy fines, a criminal record, exclusion from future participation in the Medicaid program and, if you are not a U.S. citizen, deportation.

This report is designed as a starting point to help you understand why you are being investigated, what will happen if you meet with the investigators, and how you can protect yourself.

You have a number of important rights during the fraud investigation, including the right to be represented by a lawyer. Do not give up those rights. As you will learn by reading this report, exercising your right to a lawyer can make all the difference in the world.

Chapter One

Why Am I Being Investigated?

One of the first questions clients ask is: Why am I being investigated? The answer is usually one or more of the following red flags.

Unreported Income. Most Medicaid fraud investigations start because the investigators discover that your income is higher than you reported on your application or recertification forms. By the time you receive a letter from the investigators, they have already obtained payroll records from your current and former employers. They know how much you were paid each month.

If you lied on your application or recertification forms, then you have a serious problem. Making a false statement on a Medicaid application is a crime. You should consult with an experienced Medicaid fraud immediately to protect yourself from potentially serious criminal charges.

Changes in Income. If you qualified for Medicaid benefits when you first applied, but you started a new job or received a raise after you applied, then your income may be too high to qualify for benefits. Once again, the investigators have payroll records from your current and former employers, so they know how much you were paid each month.

You were supposed to tell Medicaid when you got the raise or new job. If there is an innocent explanation for why you did not tell Medicaid – and if you reported your new income on your next recertification form – then you probably will not face criminal charges. But if you continued to report your lower income on recertification forms year after year, you

have a serious problem. You need to consult with an experienced Medicaid fraud lawyer.

Unreported Household Members. The application and recertification forms asked you to disclose everyone who lives in your "household." The forms also asked you to disclose the parent of any children living with you. Whether or not you are married, you were required to list that person on your application if they live in the same household as you.

Investigators may have discovered that additional people are living with you by cross-referencing public records such as driver's licenses, car registrations, school registrations, government benefit applications, and employment records. If they discover someone with an income living with you, they want to know why that person was not identified as a member of your household when you applied or recertified for benefits.

“The worst thing you can do is lie to the investigators. They know more about you than you can imagine. If they catch you in a lie, they will have you arrested and prosecuted for serious felonies.”

You must be very careful here. You need to understand that the investigators have been to your home. They have watched for hours at a time to see who enters and leaves your home, and whose cars are parked outside. The investigators have talked to your neighbors, looked inside your windows, and taken pictures of the people and license plates of cars at your residence. They have investigated everyone who lives with you and obtained their payroll records.

If the investigators have evidence that you failed to disclose someone in your household, you cannot simply go in and tell them that the person lives someplace else. The investigators will want evidence such as the address on their driver's license and paychecks, and their mortgage or

rent receipts. A letter from a landlord or roommate will not make the investigators go away.

Home Ownership and Mortgage Payments. You are allowed to own a home and still receive Medicaid benefits. That is not an issue. The issue is: How can you afford to own the home if you have an income low enough to qualify for Medicaid benefits?

Mortgages are filed with the county clerk and are public records. If your mortgage payments are high compared to your reported income, the investigators will ask how you can afford to pay the mortgage, real estate taxes, and utilities for your home based on the income you reported on your application and recertification forms.

Claiming that someone else pays the mortgage for you does not solve the problem. The Medicaid application and recertification forms asked you to disclose any financial assistance you receive from family members or friends. That financial assistance sometimes counts towards your eligibility. You will also need proof of the payments, such as cancelled checks or bank statements.

Rental Income. If you own real estate and have tenants, the investigator may question how much rent you are receiving from tenants. Rental income may put you over the eligibility limits for benefits, even if your salary does not.

Unexplained Bank Accounts or Other Assets. You may have money in the bank and still qualify for Medicaid benefits. But the investigators may question where the money came from. Just saying that the money was a gift from a family member is not enough. You will have to show bank statements, cancelled checks, or other evidence of where the money came from.

Case Study: The \$40,000 Bank Deposit

Sally (not her real name) received a letter from the Bureau of Fraud Investigation. She was very worried because her bank statements showed a large deposit – more than \$40,000 – that was inconsistent with the very low income she listed on her Medicaid application. The \$40,000 was also reported as “income” on her tax returns. But she did not report it as income when she recertified that she was eligible for Medicaid benefits.

After talking with Sally, we learned that she took the money out of her IRA because she was facing foreclosure and needed the money to save her home.

She was in luck. While the money was considered "income" for tax purposes, it was not considered income for Medicaid purposes. Under New York Medicaid rules, a one-time withdrawal from an IRA, 401-k, or other retirement plan is considered liquidation of an asset. Withdrawals from retirement plans are only considered income if they are made on a regular basis over time. This is just one of the many complicated rules that most people – including many lawyers – do not know.

We went in to see the investigator with an IRA statement showing that this was a one-time withdrawal. The investigator literally apologized to Sally for causing unnecessary anxiety. Case closed.

Children in Private School. You have the right to send your children to any school you want and still receive Medicaid benefits. The issue is:

How can you afford to pay the tuition if your income is so low that you qualify for Medicaid benefits?

Claiming that your parents or someone else pays the tuition may not help. You were supposed to report any financial assistance from family members on your application and recertification forms. That financial assistance may count as “income.” You need to consult with a Medicaid fraud lawyer to figure out the best way to explain your situation.

Car Ownership. You are allowed to own a car and receive benefits under the Medicaid program. But if your car payments are high compared to your reported income, the investigator will ask how you can afford the car payments on your income.

Business Ownership. Publicly-available records can disclose whether you own a business. The investigator has a number of ways to find out how much money the business generates. If those numbers are higher than the income you reported on your application and recertification forms, the investigator will ask why you disclosed a lower income on your Medicaid application and recertification forms.

Case Study: Blatant Fraud Has a Happy Ending

Joe (not his real name) came to us with a very serious problem. He had flat-out lied on his application and recertifications for Medicaid benefits. Joe wrote that he earned only \$400 per week when, in fact, he earned more than \$4,000 per week. Plus he owned businesses that paid many of his personal expenses, including family meals at five-star restaurants in Manhattan and leases on four expensive luxury cars that he, his wife, and their two children drove for both business and pleasure.

Joe was facing the possibility of very serious criminal charges, including felonies that would put him and his wife in prison for several years. The Medicaid fraud investigators were also threatening to refer his case to the IRS and other law enforcement agencies for serious civil and criminal investigations.

After reviewing Joe's financial records, we decided the best option was to admit that he was not eligible for Medicaid benefits and negotiate a settlement. The investigators presented Joe with a very large claim – tens of thousands of dollars – for benefits the government had provided to the client and his family.

We were able to negotiate two options for Joe to get out of this mess. He could pay the claim in monthly installments over a period of eight years with no interest or penalties. Or he could receive a 25% discount if he paid the claim in full.

Joe took out his checkbook, paid the claim, and received the 25% discount. The Human Resources Administration signed a settlement agreement stating that the payment resolved all claims against him, that no further action would be taken against him, and that his case would not be referred to the IRS or any other government agency. Case closed.

Residence Outside New York City. Medicaid is funded by the federal, state, and city governments. This means that New York City taxpayers are paying for part of the benefits you receive. If you receive Medicaid benefits from New York City, but you do not live in the City or you file a non-resident tax return, then you have a serious problem.

Maybe you lived in New York City when you first applied for benefits, but you later moved to Long Island or New Jersey. If so, you are supposed to

stop receiving benefits from New York City and apply for benefits where you live. The investigator can find out where you live from a number of public records including your driver's license, car registration, car loan financing statements, mortgage documents, and employment records. The investigator may also go to your old NYC address to find out if you really live there.

Employer-Provided Health Insurance. If your employer offers health insurance, then you are required to get the insurance through your employer and not through Medicaid. You are not eligible for Medicaid. This is true even if you must pay part of the insurance premium for the employer's health insurance plan.

Chapter Two

The Bureau of Fraud Investigation “Interview”

When the Bureau of Fraud Investigation believes someone has committed Medicaid fraud, they send the person a letter asking them to come in for an “interview.” The letter also asks the person to bring their tax returns, bank statements, and other financial records.

If you appear for an interview, you will be placed in a small room with two investigators. Most of the rooms have no windows. The investigators will close the door and start asking you questions. One investigator will ask the questions while the other one will write down what you say.

“Anything you say to the investigators can and will be used against you in a criminal court proceeding.”

The investigators will ask where you live, who lives with you, where you work, how much you earn, and how much you have in the bank, mutual funds, or other investments. They will ask about any cars or property you may own. They will ask about your expenses for housing, utilities, food, child care, transportation, clothing, etc. If your expenses are more than your income, they will question how you can afford to support yourself.

What the Investigators Already Know. The investigators already know most of the answers to these questions. They already have your application and recertification forms. They have property records, car registrations, payroll and business records. They have been to your home, and they may have pictures of you and the people who live with you.

The investigators have already found something that appears to be inconsistent with your applications for health insurance benefits. Sometimes there is an innocent explanation for the inconsistency. The problem is, the investigators already think you are guilty.

Turning Over Tax Returns and Bank Statements. If you turn over your tax returns and bank statements, the investigators will leave the room to make copies. They will be gone for a while, because they will review your tax returns and bank statements line by line. They will look for income, bank deposits, and transfers that are inconsistent with the income and assets you claimed on your applications for benefits. They will look for checks, withdrawals, and other payments that are inconsistent with the expenses you claimed.

In other words, the investigators will use anything you say and anything you give them to build their case against you. If they conclude that you did not tell the truth on your applications for benefits, the investigators may refer your case to the City's lawyers who will file a lawsuit against

you. If the investigators believe that you intentionally made false statements on your applications for benefits, they may refer your case to the District Attorney for criminal prosecution.

What Should You Do? You must respond to the investigator's letter, but you do not have to face the investigators alone. In fact, you may not have to face the investigators at all. If you retain an experienced Medicaid lawyer, your lawyer can meet with the investigators on your behalf.

Your lawyer will review your tax returns, bank statements, and other financial records before he meets with the investigators. Once he understands your situation in detail, your lawyer will meet with the investigators to discuss a resolution of the investigation. In many cases, an experienced lawyer can negotiate a settlement with the investigators to avoid any lawsuits or criminal prosecutions.

Do Not Give Up Your Rights. The letter you received says that you have the right to consult with a lawyer before meeting with the investigators. You also have the right to bring a lawyer with you to the interview.

The letter fails to tell you that, in fact, you may never have to meet with the investigators at all. In almost all of my cases, I meet with the investigators first, without my client, to find out why they are investigating my client and what evidence they think they have.

Having represented clients in several hundred investigations, I can tell you that most cases fall into three categories. In some cases, where the evidence is not clear, the investigators sometimes agree that my client did nothing wrong. In other cases, the investigators agree that my client was eligible during at least some of the months or years at issue. In other cases, your best option may be to negotiate a settlement to avoid a lawsuit or criminal charges.

Every case is different. You need to consult with an experienced Medicaid fraud lawyer to find out what is likely to happen in your case and how you should respond.

In all cases, you want to avoid criminal charges or a public lawsuit that can affect your career, your credit score, and your reputation. Any settlement you negotiate should reduce the claim to the lowest possible amount by eliminating any penalties, fines, or interest. You may be able to do that on your own in some cases, but in most cases an experienced lawyer who negotiates with the investigators all the time will get a better result.

Case Study: No Good Deed Goes Unpunished

Almost every day, we help clients avoid criminal charges by getting involved in their cases before any charges have been filed.

Then, about once or twice a month, a client comes in who made the mistake of speaking to investigators without a lawyer. Many people who speak to law enforcement on their own are charged with felonies that could put them in prison for years.

This is a terrible truth of our legal system: The people who “cooperate” sometimes get treated more harshly than the people who “lawyer up.”

A recent case gives some insight into why this happens. Alex (not his real name) came to see us after he was charged with serious felonies for Medicaid fraud. When I called the prosecutor to discuss the case, I asked why she charged felonies instead of misdemeanors.

Her answer was revealing. “Your client’s admissions gave us an open and shut case. Based on what he told us, we can prove all the elements of the felony charges.”

Here is the disconnect between how most people approach the legal system and how it actually works.

Alex thought he was doing the right thing. He thought that the investigators and prosecutor would “go easy” on him if he came forward and just told the truth. During the interview, he emphasized how sorry he was and promised not to do it again.

Hard-nosed investigators and prosecutors have heard these stories a million times. Some of the more cynical prosecutors say, “Everyone is sorry after they get caught.” Even the more compassionate prosecutors say that they would like to believe everyone who says they are sorry, but they cannot tell who is truly sorry and who is just putting on the sorry face to avoid prosecution.

So, the prosecutors stick to the facts. If the facts add up to a felony, then they charge you with a felony.

After months of negotiations and motions in court, Alex pleaded guilty to a misdemeanor, paid \$15,000 in restitution and a \$250 surcharge. We avoided the tragedy of prison, but Alex now has a criminal record.

Later that same day, I met with investigators to negotiate a deal for another client who never spoke to anyone in law enforcement before coming to see me. The investigators started with a demand that my client pay back almost \$20,000. After less than an hour of negotiations, they agreed to settle for \$11,500. Period. No criminal charges. No criminal record. No fines or penalties or court

surcharges. And my legal fee was a fraction of the legal fee that I had to charge Alex.

The lesson is clear and simple. Do not admit to anything unless and until you have an agreement.

Chapter Three

What Are The Penalties for Medicaid Fraud?

Medicaid fraud investigations are often resolved by negotiating a settlement agreement with the investigators. In many cases, an experienced Medicaid fraud lawyer is able to avoid criminal charges and civil lawsuits, even when you are technically guilty.

But a large number of investigations result in lawsuits and some result in criminal prosecutions. The consequences can be very serious. A judge may order you to pay restitution (that is, to pay back benefits) plus heavy fines. If criminal charges are filed, you can be sentenced to spend time in prison and on probation. In addition, a conviction means a criminal record that will make it difficult for you to obtain employment in the future.

“Medicaid fraud is a serious crime with very harsh penalties, including jail time and heavy fines.”

The possible penalties for Medicaid fraud are:

Criminal Prosecution. The Bureau of Fraud Investigation may refer your case to the District Attorney for criminal prosecution. You will be asked

to report to the District Attorney's office where you will be handcuffed and processed by a detective. The processing includes having your fingerprints and mugshot taken. You will then be taken before a judge to be arraigned and enter a plea. Depending on how busy the court system is, you could spend the night in jail before you appear before the judge.

The District Attorney always charges the most serious crimes they can justify. If you received health insurance benefits worth at least \$3,000 (which is typical if you received benefits for at least one year), the charges against you may include Class D Felonies, such as Grand Larceny in the Third Degree and Welfare Fraud in the Third Degree. If convicted on either charge, you could be sentenced to up to seven years in prison.

You may also be charged with Offering a False Instrument for Filing in the First Degree. This is a Class E Felony and carries a possible sentence of up to four years in prison.

Fines, Prison, and Probation. If convicted of Medicaid fraud, the punishment usually includes a restitution order, a monetary fine, and mandatory court fees amounting to tens of thousands of dollars. In very serious cases, you can be sentenced to prison and/or probation.

Restitution (Repayment of Benefits). If you are found guilty of Medicaid fraud, you may be required to make restitution by paying back benefits for any time period when you were not eligible.

Even if you never went to the doctor or hospital, the investigators may present you with a bill for tens of thousands of dollars. This is because New York has a “Medicaid Managed Care” program. Every month, Medicaid pays a premium to a private insurance company known as a Medicaid Managed Care Organization (MMCO) on your behalf. The private MMCO actually provides the Medicaid benefits to you.

Even if you never used the Medicaid insurance, the government will want you to pay back all of the premiums it paid when you were not eligible. The premiums range from \$3,500 to more than \$6,000 per person per year. For a family of four, this means a bill of more than \$20,000 per year in premiums. Plus, if you gave birth in a hospital or had surgery or a major illness, the charges could be even higher.

The restitution may be part of a settlement with the investigator, or it may be the result of a court case. In either event, an experienced Medicaid fraud lawyer can save you money by negotiating the best possible restitution agreement.

Lawsuits and Civil Judgments. The Bureau of Fraud Investigation has the authority to refer your case for civil litigation. This means that a lawsuit will be brought against you. The lawsuit can result in a judgment requiring you to pay money back to Medicaid. It can also harm your credit score because the lawsuit and judgment will show up on your credit reports.

Liens and Garnishments of Wages. If you fail to pay a civil judgment, the government may place a lien on your home, garnish your wages, freeze your bank accounts, and take other action to collect the money from you. You should consult with a lawyer as early in the process as possible to avoid these collection efforts.

Disqualification from Medicaid. A finding that you committed Medicaid fraud will result in the loss of Medicaid benefits. You may also be disqualified from receiving benefits in the future.

Chapter Four

How Can I Protect Myself?

Most clients ask themselves: "Do I need a lawyer?"

Then they think: "But if I hire a lawyer, won't the investigator think I'm guilty?"

Let's understand something from the start. If the investigator sent you a letter, then the investigator already thinks you are guilty.

Here's the good news: You do not have to face the investigators alone. An experienced Medicaid fraud lawyer can contact the investigators on your behalf and find out why they have targeted you. Your lawyer can present evidence and negotiate with the investigators on your behalf. In many cases, our clients never have to answer any questions from the investigators.

“Preparation is critical to a successful defense. Your lawyer can talk to the investigators and find out what their concerns are before you say anything.”

The first step is understanding the specific facts of your case. Before anyone meets with the investigators, your lawyer should review your records, identify problem areas, and help you develop a strategy to avoid serious consequences.

After reviewing your specific facts and circumstances, your lawyer may be able to convince the investigators that you did, in fact, qualify for Medicaid benefits. Or your lawyer may be able to convince the investigators that any problems were the result of an innocent mistake.

Even if the investigator determines that you were not eligible for benefits, your lawyer can often negotiate a settlement that reduces the amount of restitution and allows you to pay in installments with no penalties or interest.

“An experienced Medicaid fraud lawyer can often negotiate a financial settlement that avoids lawsuits, arrests, or criminal charges.”

The U.S. Constitution gives you the right to remain silent and the right to be represented by a lawyer of your choice. Tens of thousands of people have died in wars to protect these rights. Tens of thousands more have fought in courtrooms to make sure these rights are enforced.

Do not give up these rights without a very good reason.

If you received a letter from the Bureau of Fraud Investigation, then you should consult with an experienced Medicaid fraud lawyer immediately to protect your rights, your livelihood, and your freedom.

***Case Study: Penny Wise and Pound Foolish
Puts the Clients in Handcuffs***

A husband and wife received letters from the Bureau of Fraud Investigation asking them to come in for an interview and to bring all their financial records, including tax returns, bank statements, mortgage documents, etc. We will call them Mr. and Mrs. Nayan (not their real names).

Mr. & Mrs. Nayan decided not to call a lawyer. They went to the meeting on their own and tried to convince the investigators that they had done nothing wrong. They blamed an insurance agent for misleading them. The agent, they said, told them to list only the income on their pay stubs. The agent said they were not required to list other income they received from rental properties and a home-based business.

When asked why they listened to the agent when the application forms clearly state that all income must be disclosed, Mr. Nayan told the investigators that "everyone does it."

The investigators were not impressed by the couple's excuses and attempt to blame others. They referred the case to the District Attorney's office for criminal prosecution.

Several weeks later, Mr. & Mrs. Nayan were arrested and placed in handcuffs in front of their children. They spent a night in jail in separate cells. They were charged with four different felonies that carried possible sentences of four years in prison on each count. Because Mr. Nayan was not a U.S. citizen, he also faced deportation if he was convicted of one of the felonies.

That is when they decided to call a lawyer.

It took almost three months of negotiations, but we were able to convince the District Attorney to let the Nayans avoid felony convictions (and the husband's deportation) by pleading guilty to misdemeanors and paying \$15,000 in restitution plus a \$5,000 fine. They were not sentenced to any prison time.

If they had called a Medicaid fraud lawyer when they received the Bureau of Fraud Investigation's letter, there is a very good chance that they would not have been arrested or placed in handcuffs, they would not have spent a night in jail, they would not have paid a \$5,000 fine, and they would not have criminal records. And the legal fee would have been much less than what we had to charge them for three months of work.

The moral of this real-life story is crystal clear.

If you receive a letter from the Bureau of Fraud Investigation concerning your eligibility for Medicaid, call an experienced Medicaid fraud defense attorney immediately to protect your rights.

Do not wait for NYPD detectives to show up at your home with handcuffs. If you received a letter from the Bureau of Fraud Investigation, call John Howley, Esq. directly at (212) 601-2728 to schedule a consultation.

Chapter Five

Answers to Frequently Asked Questions

Why am I being investigated?

The Medicaid fraud investigator has information that suggests you are not qualified for benefits. This information may include payroll records, car registrations, property records, and business records. The investigator may have spoken with your employer, your co-workers, or your neighbors.

What are my rights during the investigation?

You have the right to bring an attorney with you to any interviews or meetings with the investigator. You also have the right to consult with your lawyer before providing any documents or answering any questions.

You have the right to remain silent. You do not have to answer the investigator's questions. If you are a Family Health Plus or Medicaid recipient, your benefits cannot be stopped solely because you refused to answer questions.

Should I answer the investigator's questions?

How you respond to the investigation depends on your particular facts and circumstances. Some questions and requests for documents are appropriate. Others may be improper. Sometimes it makes sense to cooperate with the investigator and negotiate a resolution. Other times you must fight to protect your rights.

You need an experienced Medicaid fraud lawyer on your side to help you make these decisions.

What are the possible penalties and consequences?

Medicaid fraud penalties range from repayment of Medicaid benefits to harsh prison sentences. Some of the possible consequences are:

- criminal prosecution
- a criminal record and possible prison sentence
- monetary fines, penalties, and restitution orders;
- disqualification or exclusion from receiving Medicaid benefits;
- civil judgments and liens on any real property you own;
- garnishment of your wages;
- suspension or loss of professional licenses;
- exclusion from participating in Medicaid as a healthcare provider;
- depending on your immigration status, you could be deported.

Will the investigator negotiate a settlement?

Depending on the nature of the problem, the investigator may be willing to negotiate a financial settlement to avoid any court cases or criminal prosecution. An experienced Medicaid fraud attorney can help you by negotiating a settlement that reduces the amount owed, by avoiding penalties and interest - and, most importantly, by negotiating an agreement that your case will not be referred for criminal prosecution.

What is Medicaid fraud?

When a recipient of Medicaid or Family Health Plus benefits is investigated, the investigator may suspect that the recipient did not tell the truth or failed to disclose all of their income and assets when they applied for benefits. Some common types of Medicaid fraud involving recipients include:

- providing false information on your application or recertification forms;
- failing to disclose all of your income;
- failing to disclose income earned by a spouse or other household member;
- failing to disclose rent from a tenant or roommate;
- failing to disclose income from a sideline business;
- mortgage payments, car payments, or other expenses that are higher than your reported income;
- concealing information about your income or assets;
- claiming to live in New York City when you actually live someplace else;
- re-selling medicine or products obtained with Medicaid benefits;
- altering, forging, or obtaining duplicate prescriptions;
- receiving treatment or services for which you are not eligible;
- allowing another person to use your health insurance card;
- receiving and using more than one Medicaid card.

What is the Bureau of Fraud Investigation?

The Bureau of Fraud Investigation (BFI) conducts investigations of individuals and organized groups who are suspected of committing Medicaid fraud. It is part of the NYC Human Resources Administration's Office of Investigation. Investigations by the BFI may result in Administrative Disqualification Hearings, lawsuits to recover money, or referrals to the District Attorney for criminal prosecution. BFI investigators work out of offices at 151 West Broadway and 250 Church Street in Manhattan.

Who is the investigator?

Medicaid investigators are trained professionals who know how to conduct a thorough investigation. They work together with other investigators who have 10, 20, and even 30 years of experience investigating thousands of Medicaid fraud cases. They are supported by data analysts, financial auditors, and medical experts.

About the Author

John Howley, Esq. is a trial lawyer with more than 25 years of experience in criminal investigations, trials, and appeals. He represents clients before the Bureau of Fraud Investigation, the Medicaid Fraud Control



Unit (MFCU), the Office of Medicaid Inspector General (OMIG), and in criminal proceedings brought by federal, state and local prosecutors.

Mr. Howley has received the *Gideon Champion of Justice Award* from the New York State Association of Criminal Defense Lawyers, the *Thurgood Marshall Award* from the New York City

Bar Association, and the *Medal for Excellence in Advocacy* from the American College of Trial Lawyers. He has argued in the U.S. Supreme Court, and he has been named one of New York City's *SuperLawyers*.

He graduated from Skidmore College and received his J.D. degree, *magna cum laude*, from New York Law School, where he was articles editor of the law review. After graduation, he served as a law clerk to U.S. Circuit Judge Roger J. Miner on the U.S. Court of Appeals for the Second Circuit.

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