

## DISPUTES & INVESTIGATIONS

### ERIN COSTELL

Director  
314.239.1542  
erin.costell@navigant.com

### JED SMITH

Associate Director  
202.973.3152  
jesmith@navigant.com

[navigant.com](http://navigant.com)

### About Navigant

Navigant, Inc. (NYSE: NCI) is a specialized, global professional services firm that helps clients take control of their future. Navigant's team of experts combines deep industry knowledge with technical expertise to help clients to build, manage and protect their business interests. With a focus on industries and clients facing transformational change and significant regulatory and legal issues, the Firm serves clients primarily in the healthcare, energy and financial services sectors. Across our range of consulting, outsourcing, and legal dispute resolution services, Navigant's practitioners bring sharp insight that pinpoints opportunities and delivers powerful results. More information about Navigant can be found at [navigant.com](http://navigant.com).

## DISPUTE, INVESTIGATIVE & COMPLIANCE SERVICES FOR THE PHARMACY SECTOR

Navigant offers a cross functional team that combines data analytics with strong technical and clinical experience for our work in prescription drug benefit contracting, fulfillment, billing and operations. With our depth of experience we are able to quickly and efficiently help our clients analyze, understand and resolve complex issues encountered in the defense and prevention of government investigations, qui tam actions or compliance initiatives.



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Navigant supports client's needs across all government programs — Medicare, Medicaid, SCHIP, DOD/TRICARE, VA and IHS as well as the continuum of payers and providers in the pharmacy space. We address high risk areas of disputes and compliance including Most Favored Nation (MFN) pricing, manufacturer coupon use, promotional gift cards, narrowing networks and oversight of downstream entities. Examples of our work include:

## THE CHALLENGE: COMPLEX DATA ANALYSIS FOR FCA INVESTIGATION

### the solution

A large pharmacy chain faced FCA allegations made by a Part D Plan (PDP) that alleged the pharmacy was improperly waving copays, dispensing drugs for non-medically necessary indications and contra-indication, splitting prescriptions to charge duplicate dispensing fees and receiving payment on claims where the pharmacy failed to obtain the required prior authorization for claims that they submitted under the Medicare Part D program. Navigant constructed a detailed claims data repository consisting of over 1.5 billion claims transactions and performed data analytics utilizing disparate data sets and systems maintained by the pharmacy, the PDP and the Pharmacy Benefit Manager (PBM) including: prescription claims data; pharmacy management systems data; benefits plan data; clinical data; and datasets that had been submitted to the government by all parties. After synthesizing the data, Navigant performed various analyses to evaluate the PDP's allegations. **With the assistance of our analyses, the client was able to successfully obtain dismissal or summary judgment on all allegations in the case.**

## THE CHALLENGE: COMPLIANCE REVIEW

### the solution

The outside counsel engaged to assist a large retail pharmacy client, needed assistance with conducting a compliance review in support of pending qui tam litigation related to several high risk business practices. Our experts conducted claims analysis and process and system reviews to evaluate the controls in place at the pharmacy to detect and prevent against non-compliant behavior. Navigant assisted the company in reviewing

its practices regarding Usual and Customary price submission to Medicaid and Medicare Part D payers, evaluated gift card promotional activities, assessed compliance with partial fill, return-to-stock, split billing and excluded provider policies. **Navigant focused the client's efforts to areas of highest risk, identified process / document weakness and recommended changes to strengthen the client's program oversight and prevent future non-compliant behavior.**

## DATA ANALYTICS CAPABILITIES

Navigant combines deep industry and regulatory experience with data analytics and clinical and billing expertise to provide clients with best in class service and sustainable solutions. Our depth of experience with pharmacy operations and pharmacy data allows us to quickly learn our client's systems and operations, which corresponds to quickly and efficiently providing synthesized and actionable analysis.

### Our experience includes:

- Developing analytical data repositories linking all relevant transactional data (often disparate)
- Performing forensic data analyses to determine irregularities and the corresponding risk and financial exposure
- Developing sampling methodologies to test the accuracy of claims billing
- Selecting probe samples to determine potential error rates
- Developing statistically valid sampling methodologies (using OIG approved methodology) to quantify potential error rates
- Preparing exhibits documenting our findings for use in counsel's presentations to the government
- Repricing large volumes of claims to review contract compliance, payment accuracy and exposure related to improper billing