

# Trump 2.0: What Businesses Need to Know

**Collaborative. Accountable. Authentic.**  
**Legal Solutions for Business Objectives.**



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# Introduction

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# Our Executive Orders Task Force

EO Task Force: 18 Practitioners From 14 Offices Nationwide

Navigating the Second Trump Administration:  
Executive Actions & the Changing Legal Landscape  
- Lathrop GPM

Foundational  
Information

Insights on EOs and  
Related Issues

Updates &  
Litigation  
Tracker



# Trump Administration has Issued 257 Executive Orders as of March 25, 2026

- First Trump Administration Issued Only 220 Executive Orders Entire Term



## [Navigating the Second Trump Administration: Executive Actions & the Changing Legal Landscape - Lathrop GPM](#)

### Navigating the Second Trump Administration: Executive Actions & the Changing Legal Landscape



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President Trump's second administration has enacted numerous administrative changes, appointments, and executive orders that continue to have broad impact on client businesses and industries. Lathrop GPM's dedicated Executive Orders Task Force is actively tracking the latest White House developments and related legal and business implications. This webpage will pull together all firm legal updates, insights, analysis and other resources to help you navigate the federal actions that are most important to your organization.

*Disclaimer: This page is dedicated solely to providing client-focused information related to the second Trump administration's executive actions, and in no way indicates an affiliation with any political party.*

*These materials are intended for general educational and informational purposes only, and users are urged to consult with an attorney licensed to practice in their state concerning their own situations and any specific legal questions they may have.*

#### Contacts

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[What makes an Executive Order distinct from other executive actions?](#)

**Executive Orders Tracker**



**Litigation Tracker**



# Executive Orders vs. Agency Actions

Over 250 Executive Orders (EOs) issued since January 2025



Key Distinctions:  
EOs vs. Executive Actions vs. Agency Regulations  
Congressional Action Distinguished  
Litigation Tracker: Many EOs blocked by courts

# What Business Needs to Know – Today's Focus Areas

Enforcement Priorities & Investigations

Trade & Tariff Implications

Workforce Enforcement Trends

Key Impacts on Nonprofits

Key Impacts on Healthcare

Insurance Recovery Tips

What's Next?

# Enforcement Priorities & Investigations

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# How Executive Orders May Impact Private Businesses

- Executive Order 14173: Sec. 4 “As a part of this plan, each agency **shall identify up to nine potential civil compliance investigations** of publicly traded corporations, large non-profit corporations or associations, foundations with assets of 500 million dollars or more, State and local bar and medical associations, and institutions of higher education with endowments over 1 billion dollars.”
- Civil Compliance Investigations
  - May be conducted by DOJ including civil division or US Attorney’s Office, or agencies including Department of Education, Labor, EEOC, potentially IRS .
- **Private businesses will be impacted through federal contracts, grants, federal funding; non-profits potentially impacted through tax-exempt status**

Required in all federal agreements going forward:

- Contractor must certify it is not "operating any DEI program that violates federal anti-discrimination laws;" and
- Contractor must acknowledge that "compliance with such laws is material to government payment" (False Claims Act risk).

# How Will Government Enforcement Priorities Shift\*

## Pause or Reduction in Traditional Criminal Enforcement Priorities

- Pause in FCPA and Anti-Bribery Enforcement
- Pause or Even Reversal of Civil Rights Violations Enforcement by Law Enforcement or Other Actors
- Reduced Focus on Consumer Fraud
- Reduced Anti-Discrimination Enforcement

\*These predictions are from Lathrop GPM's May 2025 State of Litigation event

## New Enforcement Priorities

- New Anti-DEI Enforcement
- Immigration
- Fraud Investigations Focused on Prior Administration Priorities, *e.g.*, spending on green energy initiatives, social services
- Transgender treatment, particularly for minors
- Export Control/Tariffs
- Potential prosecution of organizations supporting refugees, LGBTQ, religious minorities; *e.g.*, aid for Gaza

# ***Bloomberg and other Media Sources Estimate DOJ Civil Division Has Lost 75% of Its Attorneys to Date\****

## **Traditional Civil Division Priorities**

- Civil rights violations by police departments and prisons
- Racial or gender discrimination by schools or employers
- Housing discrimination
- Voting rights violations
- Americans with Disabilities Act violations
- Hate crimes involving racial or religious minorities or LGBTQ+ individuals

\*These predictions are from Lathrop GPM's May 2025 State of Litigation event

## **Trump Administration Changes**

- Actions against cities for Sanctuary City status or gun control laws
- Investigating colleges and students for anti-Semitism based on protests against violence in Gaza
- Investigating schools allowing transgender participation in women's sports
- Investigating Democratic states/cities for voter fraud
- EO 14281: Restoring Equality of Opportunity and Meritocracy - Deprioritizing Disparate Impact Liability in Civil Rights Division Cases

# December 2025 Open Letter from 200 DOJ Attorneys: “The Destruction of DOJ’s Civil Rights Division: Why it Matters”



The Administration wants you to believe that career staff who fled the Division “were actively in resistance mode” and “decided that they’d rather not do what their job requires them to do.” That could not be further from the truth. We left because this Administration turned the Division’s core mission upside down, largely abandoning its duty to protect civil rights.



Assistant Attorney General Harmeet Dhillon focused her efforts on “driving [the Civil Rights Division] in the opposite direction” of its longstanding purpose. She abruptly announced new mission statements:

The zealous and faithful pursuit of this section’s mission requires dedication of the section’s resources, actions, attention, and energy to the priorities and objectives of the President.

# False Claim Act/Qui Tam/Whistleblower Investigations

## Background – False Claim Act/Qui Tam Lawsuits

- May be brought by a “whistleblower” or “relator” – an individual with firsthand knowledge of allegedly false claims for payment to the government, often an employee, competitor, vendor, etc.
- If a suit is brought by a whistleblower, it is filed under seal and remains confidential while the government initially investigates
- FCA suits may also be initiated by the government directly
- Ultimately the government decides whether to “intervene” and take over the prosecution
- First sign of an FCA investigation is often a Civil Investigative Demand for documents and information

## Penalties/Rewards

- FCA allows for treble damages in addition to statutory penalties per violation of \$14,000 - \$28,000
- In the case of a grant, often the entire grant amount is treated as damages
- Whistleblowers are entitled to 15-30% of any damages the government recovers

# False Claim Act/Qui Tam Litigation

- Constitutionality of Qui Tam Actions in flux –
  - U.S. ex rel Zafirov v. Fla. Med. Assocs., LLC (Florida) - District Court concluded that *Qui Tam* actions are unconstitutional under the Appointments Clause.
  - U.S. ex rel Montcrief v. Peripheral Vascular Associates (5th Cir) – Concurring opinion that overturned a \$28 million judgment related to Medicare fraud concluded that *Qui Tam* actions are unconstitutional under the Appointments Clause and the Take Care Clause.
  - United States Supreme Court
    - Justice Thomas hinted at constitutionality questions in a dissenting opinion in the *Polansky* case in 2023.
    - Justice Thomas and Justice Kavanaugh reiterated constitutionality concerns in a concurring opinion in the Wisconsin *Bell* case in 2025 but did not decide the issue as it was not properly before the court.

# FCA Trends Expected for 2026

- Executive Order “Ending Illegal Discrimination and Restoring Merit-Based Opportunity”
  - EO requires government contractors certify that the contractor “does not operate any programs promoting DEI that violate any applicable Federal anti-discrimination laws”
- Required Government Contractor Certification Language on all EOs:
  - Contractor agrees to comply with all applicable Executive Orders
  - Expect to see enforcement based on false certifications of compliance with EOs
- CMS regulations prohibiting funding for hospitals based on administration priorities
- Expect more reliance on qui tam lawsuits given government layoffs and resignations, particularly in the Civil Division of DOJ

# Trade & Tariff Implications

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# Trade & Tariff Impacts

## Recent Court Decisions

- SCOTUS
  - *Learning Resources, Inc. v. Trump*, 607 U.S. \_\_\_\_ (Feb. 20, 2026), 24-1287.
  - Held: The International Emergency Economic Powers Act (IEEPA) does not authorize the President to impose tariffs.
- What Now?
  - The Supreme Court remanded the case to lower courts, such as the Court of International Trade (CIT), to handle refund procedures

## CIT Guidance & Ongoing Litigation

- After the SCOTUS decision, the CIT issued an order in *Atmus Filtration Inc. v. United States*, No. 26-01259 (Ct. Int'l Trade Mar. 4, 2026), requiring Customs and Border Protection (CBP) to refund tariffs.
- Specifically, to refund duties on unliquidated entries (without IEEPA duties) and reliquidate entries within the 180-day protest window

# Trade & Tariff Impacts *(continued)*



**Case Status:** While the March 4, 2026, order initially mandated immediate action, it was amended on March 6 to temporarily suspend the deadline to allow CBP to establish an electronic refund mechanism via ACE.



**The Refund Mechanism:** CBP is developing a "CAPE Claim Portal" in ACE, requiring importers to register and set up electronic accounts for refunds.



**Potential Appeal:** The U.S. government is likely to appeal to the U.S. Court of Appeals for the Federal Circuit, which could stay the refund order.



**Importer Actions:** Importers should ensure their entries are properly protested if they are within the 180-day window and ensure they have registered for electronic payments in the Automated Commercial Environment (ACE) system

# Trade & Tariff Impacts *(continued)*

- **Are there other unresolved issues relating to the interpretation of IEEPA?**
  - Yes
  - The SCOTUS majority held only that IEEPA does not authorize the president to impose tariffs. It did not address two arguments that the government made, and the CIT rejected.
    - (1) The majority opinion does not address when a tariff may be imposed to address “an unusual and extraordinary threat”
      - IE – fentanyl crossing into US from specific countries such as China, Canada, and Mexico
    - (2) The majority opinion also made clear that although the president’s power to “regulate ... importation” under IEEPA does not include the power to impose tariffs, it was not weighing in on what that power might include.

# Workforce Enforcement Trends

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# Immigration Reform

## Policy Direction

- Shift to priority-based enforcement
- Emphasis on humanitarian programs

## Key Actions

- Expanded focus on border security
- DHS expansion and enforcements

## Impact

- Greater agency discretion
- Alignment with policy goals
- More flexible, but less predictable system

# Shaping the Boundaries Through the Courts



## Active Legal Landscape

Ongoing review of asylum and parole policies  
Challenges under the Administrative Procedure Act



## What We're Seeing

Courts refining executive authority  
Policies adapting in real time



## Big Picture

A dynamic system balancing innovation and oversight

# Direct Impact on America's Workforce

## Employees vs. Independent Contractors

- Minimum wage
- Classification
- Emphasis on fair pay and equity

## Workplace Initiatives

- Support for inclusive workplace practices
- Stronger enforcement focus

## Agency Leadership

- U.S. Department of Labor driving:
  - Worker protections
  - Wage/hour compliance
- EEOC

# Navigating Change with Confidence



## Evolving Framework

Executive actions guiding agency priorities

Ongoing legal refinement



## What Employers Should Know

Clear compliance expectations

All employers must focus on evolving and increased regulatory clarity over time



## Key Takeaway

A responsive system that seeks to create opportunity with accountability

# Key Impacts on Nonprofits

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# Nonprofit Impacts – Overview

Terrorism allegations

Threats to tax-exempt status

Diversity, equity and inclusion in programming

What should nonprofits do now?

# Terrorism Allegations

- Administration statements alleging that protest activity constitutes terrorism
  - “Common threads animating this violent conduct include anti-Americanism, anti-capitalism, and anti-Christianity; support for the overthrow of the United States Government; extremism on migration, race, and gender; and hostility towards those who hold traditional American views on family, religion, and morality.”
    - September 2, 2025, [Executive Order](#) “Designating Antifa as a Domestic Terrorist Organization”
    - September 25, 2025, National Security Presidential Memorandum ([NSPM](#)) – 7, “Countering Domestic Terrorism and Organized Political Violence”
- What it means for nonprofits
  - Peaceful protest is protected by the first amendment and is not terrorism
    - Civil disobedience, trespassing, vandalism should also not be at risk of this label, but administration statements raise concerns
  - If your organization engages in protest as part of its work:
    - Ensure own protest activity is lawful, and document through policies and communications
    - Be attentive to grantees and coalition partners – avoid providing “material support” if their actions cross the line
  - Primary risks are asset seizure, loss of tax-exempt status, criminal if activity was intentional or knowing

# Threats to Tax-Exempt Status

- “Unlawful” activities
  - Under the **public policy doctrine**, nonprofit activities are not charitable if they are illegal or contrary to federal public policy
    - Existing law:
      - Racial discrimination, civil disobedience, medical aid in dying, medical cannabis operations
    - March 7, 2025 executive order [Restoring Public Service Loan Forgiveness Program](#)
      - Provides insight into what the Administration considers “**illegal**”:
        - Supporting **terrorism**, including by facilitating funding to cartels and any other organization designated as a foreign terrorist organization, or “engaging in violence for the purpose of obstructing or influencing federal government policy”
        - Child abuse, defined to include **gender-affirming care** for minors and transportation to “transgender sanctuary states”
        - Engaging in a pattern of aiding and abetting illegal **discrimination**
        - Engaging in a pattern of violating state tort laws including laws against trespassing, **disorderly conduct, public nuisance, vandalism, and obstruction of highways**
- Political activities
  - For 501(c)(3)’s, no de minimis exception to prohibition on political activity
  - Ensure any election protection, voter education, voter registration work is entirely neutral

# Diversity, Equity and Inclusion in Programming

- Private litigation challenging race- and other protected-class targeted programs
  - *American Alliance for Equal Rights v. Fearless Fund Management LLC*, 103 F.4th 765 (11th Cir. 2024)
    - Halted a private race-based grant program providing funds and mentorship to Black women business owners
- Federal agencies are requiring changes in programming as a condition of receipt of federal funding or use of federal facilities
- Federal contract certification addition
  - Every federal contractor must certify that it does not operate any programs promoting DEI that violate any applicable Federal anti-discrimination laws.
    - Certification contemplates knowledge of programs and compliance
    - Incorrect certification brings False Claims Act risk
      - Grounds for federal prosecution
      - *Qui tam* litigation risk

# What Should Nonprofits Be Doing Now?



## Take a risk-based approach

Of the topics identified, what is relevant to your organization?



## Do a self-audit

Under attorney-client privilege  
Evaluate whether activities actually present risk  
Are there modifications or corrections that can be made now to lower the risk?



## Looking forward, if your work is in a risk area:

Obtain legal advice to ensure plans are compliant  
Document compliance in policies, directives, communications



## Attend to good housekeeping

Maintain and follow document retention/destruction policy  
Maintain good records  
Follow corporate formalities  
Ensure all required tax and regulatory filings completed on time



## Create a “day one” plan

What we’ll do if enforcement action occurs

# Key Impacts on Healthcare

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# A Busy Year

Press Releases Jun 27, 2025

## CMS Launches New Model to Target Wasteful, Inappropriate Services in Original Medicare

Model will leverage enhanced technologies to protect Medicare beneficiaries, federal taxpayers from unnecessary services, fraud, waste, and abuse The Centers for Medicare ...

Press Releases Jun 10, 2025

## Dr. Oz Turns 65, Launches Videos to Help Americans Navigate Medicare Enrollment

As he turns 65 on Wednesday, June 11, CMS Administrator Dr. Mehmet Oz is using his own Medicare enrollment experience to help Americans better understand how to sign u...

Press Releases Jun 30, 2025

## CMS Notifies Individuals Potentially Impacted by Data Incident

The Centers for Medicare & Medicaid Services (CMS) is notifying Medicare beneficiaries whose personal information may have been involved in a data incident...

Press Releases Jul 30, 2025

## White House, Tech Leaders Commit to Create Patient-Centric Healthcare Ecosystem

Leading Healthcare, Tech Companies Pledge to Work on Interoperability & User-Friendly Apps Today, the Trump Administration announced progress toward building a...

Press Releases Jul 15, 2025

## CMS Proposes Bold Reforms to Modernize Hospital Payments, Strengthen Transparency, and Put Patients Back in Control

CMS Proposes Bold Reforms to Modernize Hospital Payments, Strengthen Transparency, and Put Patients Back in Control Proposed rule advances...

Press Releases Jul 17, 2025

## CMS Reinforces Medicaid and CHIP Integrity by Strengthening Eligibility Oversight and Limiting Certain Demonstration Authorities

The Centers for Medicare & Medicaid Services (CMS) is taking steps to restore accountability and safeguard the long-term integrity of Medicaid and the Children's...

Press Releases Jul 25, 2025

## ICYMI: Cooperation Is the Key to MAHA

ICYMI: Cooperation Is the Key to MAHA Working with industry will get us there faster than blunt-force regulation. As Originally Published in the Wall Street Journal Opinion...

Press Releases Aug 19, 2025

## CMS Launches Nationwide Push to Remove Ineligible Medicaid Enrollees, Uphold Citizenship Requirements

CMS Launches Nationwide Push to Remove Ineligible Medicaid Enrollees, Uphold Citizenship Requirements New Verification Process to Help States Maintain Program...



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# Many EOs with Implications for Health Care

## Protecting Children from Chemical and Surgical Mutilation Jan. 28, 2025

Intended to prohibit gender affirming care for people under age of 19. Directs agencies to change policies that rely on current standards of care for providing GAC; HHS to publish reviews on best practices on improving the health of minors; HHS to end GAC through actions across a number of laws, programs, issues, or documents; TRICARE to amend its provider handbook to exclude gender-affirming care; DOJ to take related actions enforcing restrictions on GAC

## Delivering Most-Favored Nation Prescription Drug Pricing to American Patients May 12, 2025

Directives include HHS to facilitate direct to consumer pricing programs for pharmaceuticals at MFN prices; HHS has 30 days to bring drug prices in line with comparable nations and if sufficient progress not made, work with CMS to develop rulemaking related to MFN pricing; FTC, DOJ, DOC and other agencies directed to investigate anti-competitive practices leading to higher drug prices; FDA and HHS to consider whether importation is safe and, if so, create waiver process

## Making America Healthy Again by Empowering Patients with Clear, Accurate and Actionable Healthcare Pricing Information Feb. 25, 2025

Directs HHS, DOT, DOL to enforce health care price transparency regulations, including requiring disclosure of actual prices for items / services (not estimates); issue updated guidance ensuring pricing information is standardized and comparable across facilities; issue guidance or proposed regulatory action updating enforcement policies

# Many EOs with Implications for Health Care *(continued)*

## Improving Oversight of Federal Grantmaking Aug. 7, 2025

Directs each agency to designate senior (political) appointee to create a process to review new funding opportunity announcements and review discretionary grants to ensure they are consistent with agency priorities and the national interest; includes variety of principles to be used in review including that awards not used to fund / promote racial preferences, denial of the sex binary, illegal immigration or any other initiatives that compromise public safety or promote anti-American values

## Ensuring a National Policy Framework for Artificial Intelligence Dec. 11, 2025

Tasks include AG to establish AI Litigation Task Force to challenge state AI laws that are inconsistent with federal policy; DOC and other agencies to evaluate state AI laws; administration and Congress to develop minimally burdensome national standard; withhold federal funding from states that have conflicting laws; FTC to issue guidance on how prohibition on unfair / deceptive practices applies to AI models

## Lowering Drug Prices by Once Again Putting Americans First Apr. 15, 2025

Directs HHS to propose and seek comment on guidance for Medicare Drug Price Negotiation Program (for 2028); conduct survey to determine hospital acquisition cost for covered outpatient prescription drugs and propose changes to better align payment with acquisition costs; develop new payment model at CMMI under which Medicare can better value for high-cost prescription drugs; and variety of other activities

# OBBA: One Big Beautiful Bill Act (H.R.1)

- ❑ July 4, 2025 – 870 pages
- ❑ Medicaid
  - ✓ Redetermination requirements for expansion adults (ages 19–64)
  - ✓ Work or “qualifying activities” requirement for adults ages 19-64
  - ✓ Narrows eligible immigrant population
- ❑ Marketplace eligibility restrictions
- ❑ Tightened eligibility for both private coverage and Medicare
- ❑ Limits on state-directed payments
- ❑ \$50 billion for Rural Healthcare Transformation Program (RHTP)
- ❑ Provider Tax reductions
- ❑ Major cuts to programs for low-income people:
  - ✓ \$1.1 trillion from Medicaid
  - ✓ \$1.1 billion from ACA marketplace
  - ✓ \$187 billion from SNAP



<https://www.gettyimages.com/photos/one-big-beautiful-bill-act>

# New Healthcare Reform Attempt?

- Great Healthcare Plan (Jan. 2026)
- Lowering drug prices
- Lowering insurance premiums
- Holding big insurance companies accountable
- Maximize price transparency



# MAHA: New Vaccine Schedule?

- HHS released memo on Jan. 5, 2026, implementing major changes to government's recommended vaccine schedule. Builds off similar changes made in 2025.
- Changes to routine vaccine recommendations for children reduce the number of diseases targeted from 17 to 11 and the number of routine vaccines from 13 to 7
- 6 vaccines no longer recommended for routine use: rotavirus, COVID-19, influenza, hepatitis A, hepatitis B, and meningococcal vaccines
- Coalition of medical societies and public health organizations sued HHS in MA federal court, challenging vaccine schedule and appointment of 13 advisers to Advisory Committee on Immunization Practices (ACIP)
  - *AAP et al v. Kennedy et al* (1:25-cv-11916)
  - Separate lawsuit filed by 15 state AGs in CA federal court
- On Mar. 16, MA judge granted preliminary injunction against new schedule, stays appointment of 13 members of ACIP and halts all votes taken by ACIP. HHS will appeal.

# Other Policy Developments

- 2025 government shutdown and implications for ACA in 2026
- Proposed changes to ACA marketplace health plans for 2027
- Administration efforts to cut medical research and public health grant funding ... and bipartisan pushback?
- Continued emphasis on hospital price transparency
- Gender affirming care: enforcement actions, proposed regulations, Kennedy Declaration, federal efforts to block funding ... and related lawsuits
- Drug pricing: the IRA, TrumpRx, most favored nation drug pricing and GLOBE, GUARD and GENEROUS
- Growth (incremental) in telehealth coverage & payment
- CMS efforts to scale back Medicaid waiver programs and CMMI programs
- Multi-state public health alliance and other cooperative initiatives

# DOJ False Claims Act (Civil) Settlements and Judgments

FY	NEW MATTERS*		SETTLEMENTS AND JUDGMENTS <sup>1</sup>					RELATOR SHARE AWARDS <sup>2</sup>		
	NON QUI TAM	QUI TAM	NON <sup>3</sup> QUI TAM	QUI TAM			TOTAL QUI TAM AND NON QUI TAM	WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED	TOTAL
			TOTAL	WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED	TOTAL				
2006	76	385	1,712,459,257	1,491,105,499	22,711,363	1,513,816,862	3,226,276,119	219,976,072	5,647,836	225,623,908
2007	146	365	564,826,844	1,252,616,955	160,246,894	1,412,863,849	1,977,690,693	194,641,212	4,616,899	199,258,111
2008	166	379	312,193,480	1,105,288,516	12,678,936	1,117,967,452	1,430,160,932	208,686,037	2,997,615	211,683,652
2009	134	433	470,685,686	1,964,005,251	33,776,480	1,997,781,730	2,468,467,417	249,567,135	9,684,147	259,251,282
2010	144	576	649,300,368	2,279,140,248	109,778,613	2,388,918,862	3,038,219,230	379,518,436	30,915,991	410,434,427
2011	136	634	241,365,995	2,656,802,414	173,888,703	2,830,691,117	3,072,057,112	525,035,022	49,041,606	574,076,628
2012	158	655	1,612,212,862	3,379,683,169	90,248,343	3,469,931,512	5,082,144,374	440,672,456	24,861,743	465,534,199
2013	117	757	188,376,772	2,825,162,362	203,992,659	3,029,155,021	3,217,531,794	514,475,128	51,197,091	565,672,219
2014	119	716	1,677,608,226	4,390,679,739	91,136,701	4,481,816,440	6,159,424,665	703,127,381	17,615,475	720,742,857
2015	129	639	738,442,487	1,905,454,763	516,875,695	2,422,330,458	3,160,772,945	345,537,532	139,015,177	484,552,709
2016	184	710	1,929,806,062	2,929,387,222	108,298,069	3,037,685,292	4,967,491,353	525,546,823	29,658,600	555,205,423
2017	176	682	298,514,800	2,555,280,735	602,682,052	3,157,962,787	3,456,477,586	412,076,224	135,360,010	547,436,234
2018	133	650	783,996,453	1,999,330,585	210,796,053	2,210,126,638	2,994,123,091	328,352,091	37,505,357	365,857,449
2019	150	641	858,030,132	1,912,589,545	305,554,613	2,218,144,158	3,076,174,290	290,613,360	75,143,367	365,756,728
2020	261	679	544,724,942	1,566,964,401	193,883,475	1,760,847,877	2,305,572,819	285,973,891	51,274,154	337,248,044
2021	212	598	4,016,918,820	1,210,916,864	482,504,272	1,693,421,136	5,710,339,956	201,302,446	62,812,398	264,114,843
2022	305	660	250,337,200	807,419,063	1,199,211,531	2,006,630,594	2,256,967,793	149,231,533	350,990,454	500,221,987
2023	506	712	288,205,198	2,029,079,863	400,627,944	2,528,717,807	2,888,002,215	387,935,256	98,318,770	486,254,025
2024	425	300	504,097,394	2,317,992,077	311,728,929	2,629,721,006	3,133,818,400	393,046,308	86,158,558	479,204,866
2025	401	1,297	1,548,089,931	3,051,734,829	2,288,271,506	5,340,006,336	6,888,096,266	286,054,233	44,303,986	330,358,218

# Enforcement Risks and Initiatives

- Ending “waste, fraud and abuse”
- Annual DOJ / HHS Healthcare Fraud Takedown
- DOJ / HHS False Claims Act Working Group
- Fraud Defense Operations Center
- Healthcare Fraud Data Fusion Center
- AI Driven Tools, such as:
  - WISeR
  - Crushing Fraud Chili Cook-Off Competition
  - CRUSH initiative
- Burden of enrollment process continues to grow
- Focus on Medicare Advantage
- Site neutrality for payment



# Focus on State Medicaid Programs

- Other states identified for (potentially) similar review include CA, ME, NY and FL
- CMS notified MN in Jan. 2026 of its intent to withhold federal funds until such time as agency was satisfied with state's corrective action plan to address alleged program integrity shortcomings. Also informed state that CMS was conducting claims review.
- In early February, CMS announced that it deferring \$259,505,491 in federal matching funds that would otherwise go to Minnesota Medicaid program
- CMS believes it has identified fraud in following areas:
  - Personal care services
  - Home and community-based services
  - Other practitioner services
- Amount includes \$243.8 million related to Medicaid claims and \$15.4 million related to “claims involving individuals lacking a satisfactory immigration status”
- Legal challenge filed by MN in response (0:26-cv-01701)

# Insurance Recovery Tips

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# When Government Action Becomes a “Claim”

- **Many “non-lawsuits” are covered claims:**
  - Civil Investigative Demands (CIDs)
  - Subpoenas / target letters
  - Agency audits & payment suspensions
  - Administrative enforcement proceedings
- **Policies that may respond:**
  - **D&O:** investigations, regulatory inquiries, FCA exposure
  - **EPLI:** workforce / immigration-related claims
  - **Professional Liability:** healthcare, compliance, advisory services
  - **Cyber/Privacy:** data requests tied to investigations
  - **Commercial General Liability:** may have response-cost riders

# Notice: Preserving Coverage (or Losing It)

1. **Tender early (even if coverage is unclear)**
2. **Don't let the facts get framed against you**
3. **Watch the “pre-claim” trap**
4. **Coordinate defense + coverage strategy**
5. **Assume insurers will scrutinize:**
  - Prior knowledge
  - Related claims across policy years
  - Allocation between covered/uncovered issues

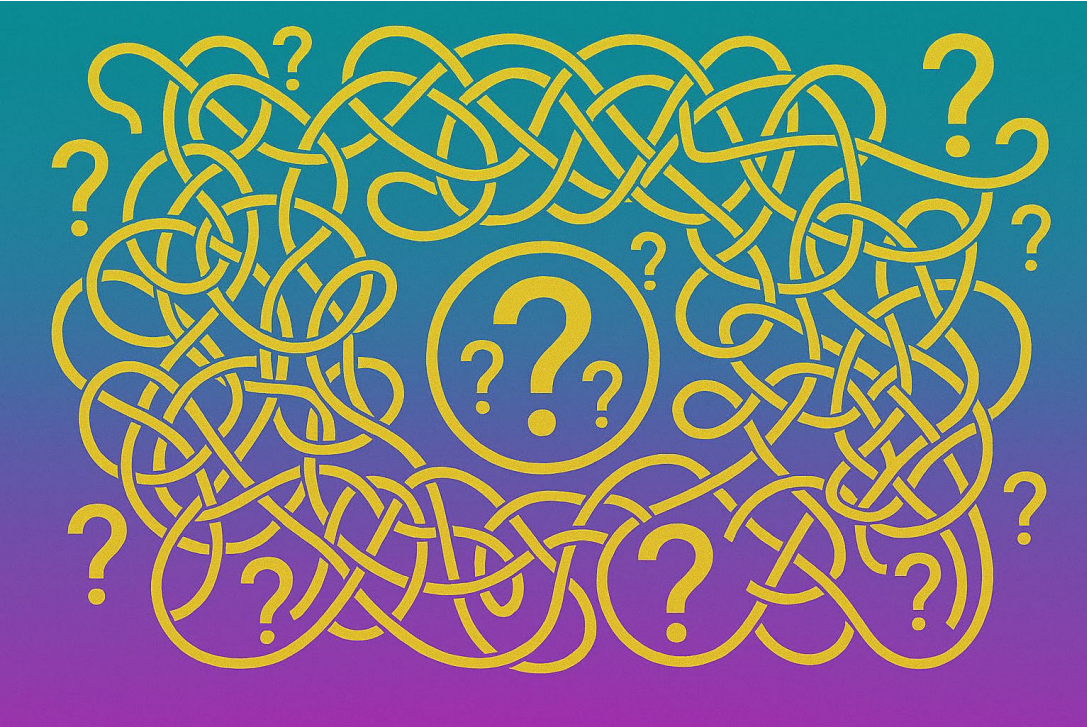
# What's Next?

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# What's Next?



# Presenting Attorneys



Allonn Levy



Kathleen Fisher Enyeart



Jackson Hobbs



Michael Manoukian



Sarah Duniway



Jesse Berg



Alex Brown



Maisa Frank