

§ 1174.5 Review of suspected program fraud by the reviewing official.

(a) If the investigating official concludes that the results of his or her investigation warrant an action under this part, the investigating official shall submit to the reviewing official a report containing the investigation's findings and conclusions.

(b) If the reviewing official determines that the report provides adequate evidence that a person made a false, fictitious or fraudulent claim or statement, the reviewing official shall transmit to the Attorney General written notice of the reviewing official's intention to refer the matter for adjudication, with a request for approval of such referral. This notice will include the reviewing official's statement concerning:

- (1) The reasons for the referral;
 - (2) The claims or statements that form the basis for liability;
 - (3) The evidence that supports liability;
 - (4) An estimate of the amount of money or the value of property, services, or other benefits requested or demanded in the false claim or statement;
 - (5) Any exculpatory or mitigating circumstances that may relate to the claims or statements that are known by the reviewing official or the investigating official; and
 - (6) A statement that there is a reasonable prospect of collecting an appropriate amount of penalties and assessments.
- (c) If, at any time, the Attorney General (or designee) requests in writing that the authority stay this administrative process, the authority head must stay the process immediately. The authority head may resume the process only upon receipt of the Attorney General's written authorization.