



HEALTH CARE FRAUD

Health care fraud takes place when someone attempts to receive a benefit by intentionally deceiving an insurer or by misrepresenting a medical condition, such as when someone bills for a service that was never received.

ABUSE

Abuse involves actions that are inconsistent with accepted, sound medical, business, or fiscal practices. Abuse directly or indirectly results in unnecessary costs through improper payments.



IF THE OIG INVESTIGATED YOUR PRACTICE, WOULD THE OUTCOME BE FAVORABLE?

One of the many areas of continuous focus in the OIG work plan is electrodiagnostic testing. Government auditors are evaluating the extent to which Medicare utilization rates for EDX services differ by provider, specialty, diagnosis, and geographic area.

Simple coding errors are unlikely to capture the attention of the OIG. However, attributing billing errors to a lack



Electrodiagnostic Fraud & Abuse

SEVEN HIGH-PROFILE NCS FRAUD CASES

Since May 2012, the OIG has leveled penalties of almost \$13 million in restitution/fines, along with jail terms equal to 70 years behind bars, to providers who have been found guilty of fraudulently billing nerve conduction tests.

Case One

In Michigan, Chyawan Bansil, PT, was found guilty of billing for EMG and nerve conduction tests that were never performed. The government also alleged that Bansil laundered the proceeds of his fraud scheme by withdrawing funds from corporate bank accounts and re-depositing those funds into accounts he controlled. Bansil must pay \$2.25 million to resolve the government's claims and an additional \$350,000 to Blue Cross Blue Shield of Michigan. He must also file amended tax returns for 2008 through 2010 and forfeit \$156,000 in seized funds. As a result of his guilty plea, Bansil will be excluded from participation in any Federal health care program for a period of at least 5 years.

Case Two

In Chicago, Bahir Haj Khalil, co-owner of House Call Physicians, Mohammed Khamis Rashed, co-owner of House Call Physicians and Paschal U. Oparah, a suspended podiatrist, were all found guilty of fraud. According to the evidence presented at trial, the fraud involved billing for services that were not medically necessary, including nerve conduction tests. Khalil, who does not have a US license to practice medicine, even said during a secret recording by an undercover agent that he, not a doctor, should decide when patients needed procedures like nerve conduction tests. Khalil received 10 years in prison and was ordered to pay \$2.9 million in restitution and forfeiture. He faces deportation at the end of his sentence. Rashed received 6 months in prison and a \$20,000 fine. Oparah received 18 months in prison and was ordered to pay \$791,095 in restitution.

Case Three

In Brooklyn, Dr. Gustave Drivas, owner of Bay Medical Center, whose sentence is pending and is currently at large, faces up to 72 years in prison and \$2 million restitution when captured. He is convicted of bilking Medicare for \$77 million, including \$47 million for services that include nerve conduction testing.

Case Four

In Michigan, Dr. Emilio Haber/RiteCare LLC was found guilty of performing unnecessary nerve conduction tests on patients willing to feign certain symptoms. Haber has been sentenced to five years in prison with three years supervision upon his release. Haber must also pay \$6.4 million in restitution and forfeit \$99,000 in bank assets he possesses.



of knowledge offers no protection in an audit or a criminal investigation. A practice that consistently codes incorrectly, including billing for services not provided, is courting disaster.

Every physician has a responsibility to ensure their documentation is accurate, appropriately coded and billed correctly, even if the coding and billing is delegated to office staff.



LEARN MORE

Expand your knowledge regarding EDX fraud and abuse and how to prevent it at www.aanem.org/fraud.



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Case Five

In Illinois, Dr. Jaswinder R. Chhiber was found guilty of filing false insurance claims for unnecessary nerve conduction tests, falsifying medical records, and providing false diagnostic codes to payers. Chhibber was sentenced to 30 months in federal prison and fined \$15,000.

Case Six

In California, David J. Garrison/Scott Medical Clinic was found guilty of performing medically unnecessary tests and giving kickbacks to recruiters for providing the office with Medicare numbers used to submit false claims. Garrison stole the identities of physicians to order nerve conduction tests from fraudulent diagnostic testing companies, who then paid kickbacks to Scott Medical Clinic. Garrison has been sentenced to six years in prison and faces an additional trial on drug charges related to forged prescriptions.

Case Seven

After less than a day of deliberations, a federal jury in Los Angeles convicted Dr. Owusu Ananeh Firempong of five counts of health care fraud. In just 7 months, Firempong submitted over \$1 million in fraudulent bills to Medicare, and repeatedly lied about nerve conduction tests he claimed to have provided. Prosecutors presented evidence that Firempong had received information about Medicare beneficiaries who were not his patients and had used that information to bill Medicare. In addition, his patient files contained many inconsistencies and improbably identical results that appeared to have been a “copy-and-paste” job. Firempong, who is already serving a lengthy sentence in a narcotics case, awaits sentencing on the fraud charges.



THE REAL DIFFERENCE BETWEEN FRAUD AND ABUSE IS THE PERSON’S INTENT

Both activities have the same impact: they take away valuable resources that would otherwise be used to provide services to deserving recipients. Intent is the key distinction between fraud and abuse. An allegation of abuse can escalate into a fraud investigation if a pattern of intent is determined.

The more you know about the kinds of fraud and abuse that threaten quality EDX services, and what kinds of action government agencies are taking against violators, the better position you will be in to identify and report future fraudulent practices.

Learn more about EDX fraud and abuse and how to prevent it at www.aanem.org/fraud.