

Texas Psychiatrist Indicted and Arrested



(July 9, 2010): On June 14, 2010 the U.S. Attorney's Office for the Western District of Texas announced that a Federal Grand Jury had returned a 99-count indictment against a pain management physician who operated clinics in San Antonio and El Paso. The physician was charged with 21 counts of health care fraud, 20 counts of false statements relating to health care fraud matters, 21 counts of mail fraud, 16 counts of wire fraud, 4 counts of unlawful distribution of a controlled substances and 16 counts of money laundering. The indictment alleges that the physician "caused to be submitted claims for reimbursement of peripheral nerve injections, facet injection procedures and Level Four office visits—typically involving 25 minutes of face-to-face time between patient and physician—which never were performed." Instead, the U.S. Attorney's Office alleges that the physician performed "prolotherapy" on his patients -- a procedure that Federal health care benefit programs do not reimburse.

Notably, an indictment is merely a charge and is not considered to be evidence of guilt. In issuing this indictment, the Texas HEAT task force, comprised of Federal prosecutors and investigative agencies, have continued to ramp up efforts to investigate and prosecute allegations of health care fraud. Notably, the use of "prolotherapy," a relatively new therapeutic approach, has been supported by some of the best known clinics and physicians in the country.

While this case has yet to fully develop, it again points out that health care providers must take care when utilizing new approaches, despite the fact the therapeutic technique may be considered to be state-of-the-art. Unfortunately, Medicare may take years to recognize and cover some techniques. In the mean time, it is essential that providers take care when coding and billing for procedures that may not clearly qualify for coverage under applicable Medicare and / or contractor guidance.

Should you have any questions regarding these issues, don't hesitate to contact us. For a complementary consultation, you may call Robert W. Liles or one of our other attorneys at 1 (800) 475-1906.