

AnMed Health Pays \$7,923,000 to U.S. Government to Settle Whistleblower Claims for Improper Radiation Oncology and E.R. Services; Plus, Whistleblower Retaliation Claims, Announces Moss & Gilmore LLP

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ATLANTA, Sept. 27, 2017 /PRNewswire/ -- Atlanta- and New York-based Moss & Gilmore LLP announced today the settlement with the U.S. Department of Justice of a False Claims Act lawsuit against AnMed Health, an affiliate of Carolina Health Care System ("CHS"). AnMed Health is a not-for-profit health system in Anderson, South Carolina that provides hospital and other healthcare services to residents in upstate South Carolina and northeast Georgia. It is the largest independent not-for-profit health system in South Carolina.

AnMed Health will pay the federal government \$7,073,000 to resolve allegations by the United States that it knowingly violated Federal law by, among other things:

1. Submitting radiation-oncology-services claims to Medicare and other federal payors that required physician supervision; however, radiation oncologists Dr. William V. Tomlinson and Dr. Ravinder Malik were not present to supervise the procedures.
2. AnMed's Minor Care Facility did not meet the criteria to qualify as a Type B Emergency Department but it systematically billed Medicare at these higher rates.
3. Upcoding charges to Medicare and other federal payors for emergency-room nurse and nurse-practitioner services to reflect that services were performed by physicians.

AnMed Health also agreed to pay former radiation oncology manager Linda Jainniny \$850,000 to resolve her claims for retaliation under the False Claims Act. For several years, Ms. Jainniny—the whistleblower—implored AnMed management, radiation-oncology physicians and staff, and employees of CHS to require that a radiation oncologist be present when supervising treatment of cancer patients. In addition to her \$850,000 payment, Ms. Jainniny will receive more than \$1.2 million as part of today's settlement.

While not acknowledging wrongdoing, AnMed Health agreed to enter into a Corporate Integrity Agreement with the Department of Health and Human Services ("HHS") and to resolve the allegations against it.

The whistleblower, represented by Raymond L. Moss at Moss & Gilmore LLP, brought an action on behalf of the U.S. government against AnMed, CHS, and various other defendants. Previously, Mr. Moss successfully brought whistleblower claims under the False Claims Act and obtained recoveries on behalf of a radiation oncologist against another large well-known large radiation-oncology cancer-care practice (see <http://www.mossgilmorelaw.com/assets/News/2012.04.03-AJC-Article-Radiation-Clinic-3.8M-Settlement.pdf>).

In an unrelated action on June 23, 2017, AnMed Health agreed to pay HHS \$1,295,000 to settle allegations that it violated the Emergency Medical Treatment and Labor Act (EMTALA). HHS alleged AnMed held individuals with unstable psychiatric conditions in its emergency room rather than admitting them as inpatients. This is the largest settlement to date under EMTALA and suggests HHS may take similar enforcement actions in the future.

"Critically ill cancer and emergency-room patients are among the most fragile and vulnerable patients, and they deserve to be compassionately treated and supervised at all times by qualified physicians in both office and hospital settings," said Mr. Moss. "As a whistleblower, Ms. Jainniny's looked to protect the health and safety of these critically ill patients and the hospital that she worked for and shined a light on important patient-safety and care issues. This is a loud wake-up call to hospitals and physicians all over the county."

The case, brought in the United States District Court for the Northern District of Georgia, is captioned *United States ex rel. Jainniny v. AnMed Health, formerly known as Anderson Area Medical Center, Inc.; Blue Ridge Radiation Oncology, P.A.; William V. Tomlinson, M.D.; Anderson Radiation Oncology; Ravinder Malik, M.D.; Anderson Area Cancer Center Oncology - Hematology Clinic, P.A.; Szaboks Batizy, M.D.; Rajeev Malik, M.D.; Nandakishore Parchuri, M.D.; Anderson Emergency Associates, P.A.; The Charlotte-Mecklenberg Hospital Authority d/b/a Carolinas Healthcare System.*

The Government investigation and settlement of these allegations was jointly handled and settled by the United States Attorney's Office in the Northern Districts of Georgia through Assistant United States Attorneys David A. O'Neal in the Northern District of Georgia and Beth C. Warren in the South Carolina U.S. Attorney's Office. The Department of Health and Human Services ("HHS") for the Inspector General also participated in the investigation. As part of the settlement Agreement, AnMed will also enter into a Corporate Integrity Agreement with HHS.

The False Claims Act fosters a private-public partnership to fight fraud against the government. The law encourages whistleblowers to file civil lawsuits against companies that are defrauding the government by offering job protection against retaliation and a reward of 15 to 25 percent of the government's civil recovery if the government joins or intervenes in the case. Under the False Claims Act, the United States may recover three times the amount of losses, plus civil penalties.

About Moss & Gilmore LLP: *With offices in Atlanta and New York, Moss & Gilmore LLP represents whistleblowers in the U.S. and worldwide in federal and state false claim whistleblower and related retaliation cases, involving healthcare fraud and military procurement fraud. Moss & Gilmore LLP represents whistleblowers in cases under the False Claims Act and claims under the U.S. Securities and Exchange Commission, Commodity Futures Trading Commission involving securities and commodities fraud and IRS whistleblower reward programs. For more information, visit www.mossgilmorelaw.com.*

CONTACT

Raymond Moss

Moss & Gilmore LLP

(678) 381-8601

rlmoss@mossgilmorelaw.com

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