

YOU GET AUDITED & A \$3 MILLION FINE...



Your brother-in-law might be an excellent real-estate attorney or the attorney from church that helped you get your clinic incorporated may be a fantastic person - but don't be foolish enough to call them when you really need someone who has successfully reduced \$3 Million OIG fines down to \$3,000 repayments.

In 33 years in this field, I have given expert testimony in federal and state cases. I've seen physicians who called me ask me for help (after they had gotten themselves into trouble and sometimes after getting an incompetent attorney) when I could not help them. This past week, I was talking to a healthcare attorney (this is not someone who handles injuries - he is someone who used to prosecute physicians for fraud when working for the DOJ) and we discussed the frequency of misrepresentation.

If you get audited by Medicare or BCBS or any other entity and it has to do with your coding or documentation or (perceived) fraudulent claims, please don't be stupid and hire an attorney who has zero experience in that area. I've personally seen a doctor put in jail for 7 years because he hired the wrong attorney who would not listen to me, when I was the expert witness in the case. I've seen doctors end up paying millions, when a competent attorney could probably have gotten the case dismissed. I've seen defense attorneys who believed the old expression "if it wasn't documented, it wasn't done" - when that is NOT the law - but it's perceived to be since it's been repeated so often. Keep in mind that the burden of proof is on the prosecutor to prove that you did NOT do something - it's not the other way around, no matter how many times that you're told it is.

It's like the belief that because the insurance company mails the check to you that you somehow think it's YOUR claim or that you have some moral, ethical or legal responsibility to send money to the carrier if they later come back and say "the patient's policy had lapsed, so we expect you to refund us". Don't listen to the wrong people. Let us help if you need it. We know attorneys that know how to help you.