

Dental Clinics Top New High-Risk Health-Care Fraud List (1)

By Matt Phifer

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- *Dental companies first on high-risk list following fraud settlement*
- *List publicly names companies that refuse corporate integrity agreements*

The Health and Human Services Office of Inspector General made two dental companies the first to go on its new list of high-risk health-care providers this week.

The two companies were put on the list after they refused to enter into corporate integrity agreements after settling fraud allegations.

Corporate integrity agreements, when they are imposed, outline obligations a company or health-care provider must follow as part of a civil settlement. The HHS OIG has typically leveraged exclusion from federal health-care programs to get companies to sign corporate integrity agreements.

ImmediaDent of Indiana, which operates nine clinics, and Samson Dental Partners, which provides administrative support to ImmediaDent, were placed on the "High Risk - Heightened Scrutiny" to warn potential patients and business partners that the OIG considers them to be a high risk for health-care fraud.

The Justice Department alleged the companies improperly billed typical tooth extractions as surgical extractions and improperly billed deep cleanings that were unnecessary, or not performed at all, between Jan. 1, 2009, and Sept. 30, 2013.

Gregory Demske, OIG chief counsel, announced Sept. 27 that the OIG will publicly list entities it considers to pose a high risk for health-care fraud. The listed entities will be considered high-risk because they refused to enter a corporate integrity agreement, but the OIG determined they shouldn't be excluded from federal health-care programs.

The OIG may decide not to exclude high-risk entities if it determines it wouldn't be in the best interest of patients or the federal health-care programs to exclude them.

"The purpose of this is to provide transparency and information, it's not done to change behavior," Demske told Bloomberg Law. But Demske said it would be great if the public listing led to a change of behavior. He told Bloomberg Law that the OIG doesn't seek corporate integrity agreements in most cases.

“Clearly, if the OIG wants you to have a CIA and you don’t have one, the OIG wants it to be known that they’re concerned about the risk to the federal government and its beneficiaries,” Julie Kass, the co-chair of Baker Donelson’s Health Law Group in Baltimore, told Bloomberg Law. Kass said the list makes it possible for the public to know whether a company is facing heightened scrutiny, which wasn’t possible before the public list.

ImmediaDent of Indiana and Samson Dental Partners will pay \$3.4 million to the U.S. and \$1.7 million to the state of Indiana as part of the settlement.

“Providers who refuse to enter into Corporate Integrity Agreements present a greater risk of committing fraud than providers who agree to CIAs,” the HHS’s Office of Inspector General said in a statement provided to Bloomberg Law. “Therefore, the two dental providers currently featured on our high-risk list should be regarded by OIG and the public with heightened scrutiny.”

The case is U.S. ex rel. Abdul-Majid v. ImmediaDent Specialty PC , W.D. Ky., No. 13-cv-222, settlement announced 11/6/18 .

(Adds a quote from attorney Julie Kass in ninth paragraph and HHS OIG statement in 11th paragraph.)

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