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Medicare doc-pay data can aid fraud cases, lawyers say

By [Lisa Schencker](#) | January 10, 2015


The government's [Medicare](#)^[1] civil fraud case against Florida cardiologist Dr. Asad Qamar raises the question of whether the CMS' public database on Part B payments to individual physicians could help whistle-blowers in bringing such cases against doctors.

The government announced last week that it has joined two lawsuits against Qamar and his physician group, the Institute for Cardiovascular Excellence, alleging they performed unnecessary, invasive heart testing and paid patients kickbacks by waiving copayments and deductibles.


Greg Kehoe, a Greenberg Traurig lawyer representing Qamar, said in a written statement that Qamar practices "under the highest medical and ethical standards" and that the allegations are "baseless."

Qamar was identified last year as Medicare's second-highest-paid doctor, collecting \$18 million in 2012, more than any other cardiologist, according to one of the lawsuits. Advocates of disclosing individual physician pay had argued that the data's release could help identify

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fraud^[2] and abuse.

To file a claim under the False Claims Act, a whistle-blower must have independent knowledge of wrongdoing, so the Medicare data alone are not enough to identify fraud and initiate a case, said Pam Brecht, a partner at Pietragallo Gordon Alfano Bosick & Raspanti in Philadelphia who represents whistle-blowers. And high billings don't necessarily indicate fraud, she noted.

But analysis of the Medicare payment data could "point to something that requires more research or it could support a client's allegations," said Jonathan Kroner, a Florida lawyer for a whistle-blower in the case against Qamar. He called the data "tremendously useful."

Mark Silberman, a partner at Duane Morris in Chicago who represents providers, said the database could drive fraud cases by encouraging whistle-blowers to come forward or scrutinize certain doctors more closely if they know those doctors are earning a lot of Medicare money.

Even if the database information itself can't support a False Claims Act complaint, it could entice lawyers to pursue certain cases because the amount of money at stake is laid bare.

Frederick Morgan Jr., a partner with Morgan Verkamp in Cincinnati who focuses on whistle-blower cases, said lawyers could use the Medicare payment data to test allegations, for instance, that a doctor started using a particular drug after receiving payments from the manufacturer.

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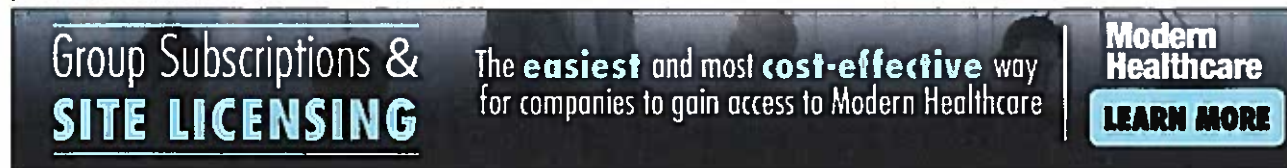
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