

Report on Medicare Compliance Volume 27, Number 31. September 03, 2018

Hospital Settles Case Over Kickbacks; Lawyer: There Were No Referrals

By Nina Youngstrom

In a case over alleged kickbacks for an ambulance contract, East Texas Medical Center (ETMC) Regional Healthcare System Inc. and East Texas Medical Center Regional Health Services Inc., and their ambulance company, Paramedics Plus LLC, agreed to pay \$20.6 million to settle false claims allegations. The Department of Justice (DOJ) alleged that Paramedics Plus paid kickbacks to win and keep a contract to provide ambulance services to the Emergency Medical Services Authority (EMSA) in Oklahoma. EMSA's former CEO and compliance officer, Herbert Stephen Williamson, had to dig into his own pocket—more of DOJ's Individual Accountability Policy in action—to settle false claims allegations in a separate settlement, and EMSA did the same.

Although there was a settlement, the providers couldn't have violated the Anti-Kickback Statute, which outlaws payments for patient referrals, argues attorney Doug Wolfberg, who was an expert witness for ETMC and Paramedics Plus but isn't speaking on their behalf. EMSA ran the ambulances, billing Medicare and other payers with its national provider identifier, and Paramedics Plus only provided paramedics and emergency medical technicians (EMTs) to EMSA. There were no patient referrals between them, says Wolfberg, with Page, Wolfberg & Wirth in Mechanicsburg, Pennsylvania.

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