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Maryland Health System Settles FCA Case Over Physician Supervision of Radiation Therapy

By Nina Youngstrom

In a case about the immediate availability of a supervising physician, University of Maryland Shore Regional Health agreed to pay \$296,870 to settle false claims allegations over radiation therapy and diagnostic services that were provided without direct physician supervision, the U.S. Attorney's Office for the District of Maryland said May 17.^[1]

Easton-based Shore Regional Health is part of University of Maryland Medical System. The False Claims Act (FCA) lawsuit against Shore was set in motion by a whistleblower, John Phillip Sawyer, who was employed from 2007 through June 2018 as lead physicist and radiation safety officer at Shore.

According to the FCA settlement, DOJ alleged Shore billed Medicare for radiation therapy and diagnostic services provided at the Cancer Center at Shore Regional Health from Jan. 16, 2014, through July 5, 2018, without the requisite physician supervision.^[2] At the time, Medicare covered radiation therapy and diagnostic services provided in outpatient settings under a physician's direct supervision, which means the physician is immediately available to render assistance and direction throughout the performance of the procedure, although the physician doesn't have to be in the same room, the settlement explained. DOJ alleged that Shore's cancer center only had one physician, John Mastandrea, M.D., available to supervise radiation therapy and diagnostic services during that period. On many occasions, Mastandrea allegedly "was performing uninterrupted radiation oncology services at a separate location, the Shore Health Medical Pavilion at Easton, while unsupervised radiation therapy and diagnostic services were being performed at the Cancer Center. Shore submitted claims to the Medicare Program for these unsupervised radiation therapy and diagnostic services performed at the Cancer Center," the settlement said.

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