

## Report on Medicare Compliance Volume 32, Number 27. July 31, 2023

### Surgeon Settles FCA Case Over Mole Removals a Month After Sentencing in Criminal Case

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By Nina Youngstrom

In a billing case with a dark underbelly, Chicago surgeon John Greager II and his practice, Cancer Therapy Associates (CTA), agreed to pay \$757,879 to settle false claims allegations they billed Medicare and the Federal Employee Health Benefits Program (FEHBP) for same-day mole removals as if they were separate procedures spread out over multiple patient visits, the U.S. Attorney's Office for the Northern District of Illinois said July 21.<sup>[1]</sup> Greager last month also was sentenced to six months in prison and fined \$1 million after pleading guilty to health fraud in connection with the same billing practices affecting Blue Cross Blue Shield of Illinois and Medicare.<sup>[2]</sup>

The case was set in motion by a whistleblower, accountant Edward Schmidl, who provided services to Greager and CTA. According to the complaint, Greager and CTA allegedly billed Medicare and other payers for removing a patient's moles, tumors or lesions on different days even though Greager did it during the same patient visit—and falsified medical records to cover his tracks.<sup>[3]</sup> Providers typically report modifier 51 when they perform multiple procedures in the same encounter, but billing the removal of moles or other lesions separately generates more reimbursement. Providers also may confuse modifiers 51 and 59.

"These claims had false dates of service for mole removal procedures that made it appear as though the procedures had been performed on multiple dates, when they had been performed only on one single date," the U.S. attorney's office alleged in the settlement.<sup>[4]</sup> "Patients in fact had not received any medical services on the dates that were provided as justification for Greager's and CTA's false claims."

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