

Medical Transportation Fraud Cases

My firm obtained a settlement of a medical transportation case in excess of \$1 Million for alleged FCA violations against Yellow Cab and other Defendants in 2016. *U.S. ex. rel. Spence et. al. v Irving Holdings, et. al.* (E.D. TX; Civil Action No. 4:12-cv-487 (E.D. TX)). <https://www.justice.gov/usao-edtx/pr/north-texas-companies-and-individuals-pay-1125-million-settle-medicaid-allegations>. The U.S. Government intervened in portions of the case prior to settlement. The major remaining portion of the case for alleged violations of the Texas Medicaid Fraud Prevention Act is currently pending in Travis County state court. The State of Texas has likewise intervened in portions of the case. The Relators in *Spence* alleged (among other allegations) that the Defendants fraudulently induced the State of Texas to award them the Texas Medicaid Contract, and that there were numerous instances of failing to comply with the terms of said contract throughout the years.

There have also been several successful qui tam whistleblower cases brought by Whistleblowers under the FCA against the providers of ambulance services. Under some circumstances, the Medicare and Medicaid programs cover ambulance transportation. However, Medicare and Medicaid pay for ambulance services only under specific conditions. In a number of cases, hospitals and ambulance companies have obtained Medicare or Medicaid reimbursement for ambulance transportation of patients who do not need an ambulance and do not qualify for reimbursement. In other cases, providers have obtained higher reimbursement for ambulance services than the Medicare or Medicaid programs allow. And as the case below demonstrates, sometimes the FCA is violated by ambulance companies using kickbacks to secure business from municipalities.

Medicare will pay for the ambulance transport of a Medicare patient only when the ambulance transport is “medically necessary,” meaning that only if the ambulance services “are furnished to a beneficiary whose medical condition is such that other means of transportation are contraindicated.” 42 C.F.R. § 410.40(d)(1). Medicare considers an ambulance transport to be “medically necessary” only if the use of other means of transportation would endanger the patient’s health, whether or not such other transportation is actually available. If less expensive means of

transportation could be used, the Medicare and Medicaid programs may deny coverage for the ambulance transport.

Blow the Whistle on Medical Transportation/Ambulance Fraud

Individuals with knowledge of fraud committed by ambulances and other medical transportation companies may be able to blow the whistle on this kind of fraud using the FCA, the TMFPA and other whistleblower reward programs. Whistleblowers play a critical role in bringing this type of fraud to light and holding wrongdoers accountable when they try to cheat the system.

To talk with me about your medical transportation fraud case, call my Dallas law offices at 214-505-0097 or contact me online. Consultations with a Dallas County Qui Tam attorney are free and confidential. I handle these types of cases on a contingent fee basis, meaning you owe me no legal fees or expenses unless I obtain a recovery for you. Our firm has experience handling medical transportation fraud cases and has obtained excellent results in the above referenced case and other *qui tam* cases of varying types.

Recent Example of Multi-Million Whistleblower Fee Awarded in Ambulance Case:

A **whistleblower received a Relator Fee** of over **\$4.9 million** of the recovery from a **\$21 million settlement** in August of 2018, in a case where seven ambulance industry defendants agreed to settle allegations that they offered kickbacks to several municipal entities to secure business. *See* Press Release, Office of Pub. Affairs, U.S. Dep't of Justice, Ambulance Company and its Municipal Clients Agree to Pay Over \$21 Million to Settle Allegations of Unlawful Kickbacks and Improper Financial Relationships (Aug. 27, 2018).