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ASC Settles CMP Case About Provider Relief Fund Money; OIG: Attestation Was Wrong

By Nina Youngstrom

A California ambulatory surgery center has agreed to pay \$66,715 in what is probably the first civil monetary penalty settlement with the HHS Office of Inspector General over Provider Relief Fund (PRF) money. There may be more enforcement to come in an area that didn't exist a year ago, before the arrival of the COVID-19 pandemic.

Milan S. Chakrabarty, M.D., individually and doing business as Hemet Endoscopy Center, allegedly "made, used, or caused to be made a false statement in a document that is required to be submitted in order to directly or indirectly receive or retain funds provided in whole or in part by the Secretary of HHS," according to the settlement, which was obtained through the Freedom of Information Act.

The PRF, which was created by the Coronavirus Aid, Relief, and Economic Security Act, made \$175 billion available to hospitals and other providers for diagnosing and treating patients and replacing revenue lost because of the pandemic. Providers must submit an attestation that they will comply with the terms and conditions attached to the money. They also must follow reporting requirements, which are routinely updated. Congress added another \$3 billion to the PRF in December in the 2021 Consolidated Appropriations Act.^[1]

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