

Report on Medicare Compliance Volume 31, Number 17. May 09, 2022 'Uptick' Is Seen in Joint Venture FCA Cases; CIAs Offer Checklist

By Nina Youngstrom

After Flower Mound Hospital, a partly physician-owned hospital in Texas, repurchased the shares of physician owners who were 63 years old or older, it sold the shares to other physicians in a way that fueled false claims allegations. The hospital allegedly took referrals into account when choosing new physician buyers and deciding how many shares they would get in violation of the Anti-Kickback Statute (AKS), according to the Department of Justice (DOJ). Flower Mound Hospital, doing business as Texas Health Presbyterian Hospital Flower Mound, agreed to pay \$18.2 million in a December 2021 settlement, although it didn't admit liability.^[1]

The Flower Mound settlement is one of a series involving hospital-physician and other types of joint ventures, and the allegations echo some of the risk areas in the HHS Office of Inspector General (OIG) Compliance Program Guidance for hospitals.^[2]

"There has been an uptick in settlements that have been announced by the DOJ in the last couple of years that have involved physician investments and ownership in joint ventures," attorney Clay Countryman said April 8 at the Health Care Compliance Association's regional conference.^[3] "There are a lot more cases coming out where doctors are allegedly getting kickbacks from joint ventures," and both the companies and the physicians are paying "sizable amounts" in the settlements.

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