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Memphis Physicians Settle Incident-To FCA Case; Practices Continue to Get Tripped Up

By Nina Youngstrom

Two physicians from Memphis, Tennessee, and their practices have agreed to settle false claims allegations over incident-to billing, the Department of Justice (DOJ) said Oct. 30.^[1] It's an area rife with mistakes, as physicians and nonphysician practitioners (NPPs) parse when established patients with new vs. old problems are eligible for incident-to billing, experts say.

Family physicians Shoaib Qureshi and Imran Mirza, as well as Memphis Primary Care Specialists, Lunceford Family Health Center and Getwell Family Medicine, will pay \$341,690. Qureshi owns Memphis Primary Care Specialists and Lunceford Family Health Center, while Mirza owns Getwell Family Medicine.

The settlements were set in motion by a whistleblower, Michael Grace, who filed a False Claims Act lawsuit against the two physicians, Tenet Healthcare Corp. and two of its hospitals. Grace was a risk manager/patient safety officer in one of the Tenet hospitals. Although there were other allegations in the complaint, this settlement doesn't mention Tenet and only resolves the incident-to billing allegations against the Memphis physicians. Tenet and one of the hospitals settled allegations related to cardiac monitors in February.

In the settlement with Qureshi and his practices, DOJ alleged that from Jan. 1, 2015, through Dec. 31, 2018, Medicare claims were submitted under their national provider identifiers as if he provided the services when they were actually provided by nurse practitioners (NPs), and the claims didn't satisfy incident-to billing requirements. The allegations against Mirza are virtually identical, according to the settlement. "The government alleged that the services were rendered when the physicians were out of the office, including times when they were traveling out of state or abroad," DOJ alleged in a press release. They didn't admit liability in the settlements, and their attorney didn't respond to RMC's requests for comment.

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