

Department of Justice
U.S. Attorney's Office
Northern District of Georgia

FOR IMMEDIATE RELEASE

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Orthopaedic and anesthesia providers to pay \$3.2 million to settle false claim act allegations

ATLANTA - The U.S. Attorney's Office for the Northern District of Georgia has announced that Georgia Bone & Joint (GBJ), Southern Bone & Joint a/k/a Summit Orthopaedic Surgery Center (Summit Surgery Center), Southern Crescent Anesthesiology, PC (SCA), Sentry Anesthesia Management, LLC (Sentry), and David LaGuardia (LaGuardia) agreed to pay \$3.2 million to settle allegations that LaGuardia, Sentry, and SCA provided a free medical director to Summit Surgery Center in order to induce it to choose to perform more procedures at the surgery center rather than in the GBJ office; and that GBJ and LaGuardia caused the submission of false claims to Medicare for prescription drugs purchased outside of the United States and not approved by the U.S. Food and Drug Administration (FDA).

"Kickbacks should never play a role in medical decision-making," said U.S. Attorney Byung J. "BJay" Pak. "It is critical to our health care system that patients seeking health care know that their providers' recommendations are based on what is in the patient's best interests and not influenced by illegal kickbacks or arrangements."

"Decisions on where and how patients' medical procedures are performed should never be made based on thinly veiled bribes, as was alleged in this matter," said Derrick L. Jackson, Special Agent in Charge for the Office of Inspector General of the U.S. Department of Health and Human Services. "Such alleged schemes will be aggressively investigated and prosecuted."

"Abuses of the healthcare system destroy the basic trust between providers and patients, between taxpayers and government," said David J. LeValley, Special Agent in Charge of FBI Atlanta. "The FBI and its federal partners make it a priority to make sure funds are not hijacked by those willing to misuse taxpayer dollars, thereby violating individuals who count on our healthcare programs for their medical needs."

“This settlement sends a clear message to all healthcare providers that fraudulent activities intended to defraud federal benefit programs are a federal crime that carries serious consequences and will not be tolerated,” said U.S. Postal Service, Office of Inspector General Special Agent in Charge Imari Niles. “The USPS-OIG, along with our law enforcement partners, will continue to aggressively investigate those who engage in fraudulent activities intended to defraud federal benefit programs and the Postal Service.”

This civil settlement resolves a lawsuit filed in the U.S. District Court for the Northern District of Georgia by Sharon Kopko, former Practice Administrator for SBJ, under the qui tam, or whistleblower provisions of the False Claims Act. United States ex rel. Sharon Kopko v. Georgia Bone and Joint, et al., Civil Action No. 3:13-CV-067-TCB. Under the False Claims Act, private citizens may bring suit for false claims on behalf of the United States and share in any recovery obtained by the government; Ms. Kopko will receive a share of the settlement.

The claims resolved by the settlement are allegations only, and there has been no determination of liability.

This case was investigated by the U.S. Attorney’s Office for the Northern District of Georgia, the U.S. Department of Health & Human Services Office of Inspector General, the FBI and the U.S. Postal Service Office of Inspector General.

The civil settlement was reached by Assistant U.S. Attorneys Darcy Feuerzeig Coty and Neeli Ben-David.

For further information please contact the U.S. Attorney’s Public Affairs Office at USAGAN.PressEmails@usdoj.gov(link sends e-mail) or (404) 581-6016. The Internet address for the U.S. Attorney’s Office for the Northern District of Georgia is <http://www.justice.gov/usao-ndga>.

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