California Board of Regents Agrees to Pay $1.2 Million to Resolve Claims of Improper Supervision of Anesthesia Services at University of California-Irvine

LOS ANGELES, March 27, 2013 /PRNewswire/ -- A federal *qui tam* whistle-blower lawsuit filed in 2008 by former University of California-Irvine (UCI) Professor and Anesthesiologist Dr. Dennis O'Connor triggered a multi-year investigation by the United States Department of Justice, resulting in an agreement by the California Board of Regents to pay the United States $1.2 Million.

The False Claims Act lawsuit alleged that anesthesia was routinely administered at UCI by Certified Registered Nurse Anesthetists (CRNAs) or residents when there was no supervisory anesthesiologist present or immediately available, in violation of federal regulations. The complaint alleged that, in many instances, the supervisory anesthesiologist would be in a completely different building at the time, and that anesthesia records would be "pre-filled" to make it appear that the anesthesiologist was present. The complaint also alleged that required post-operative evaluations would routinely be performed by unsupervised and/or unlicensed residents, in violation of federal regulations, increasing the likelihood that post-operative complications would be missed.

In the Settlement Agreement with UCI, the United States contended that "it has certain civil claims against the Regents arising out of ... the submission of claims by or on behalf of the Regents for payment by the Medicare program and the federal portion of the Medicaid program for anesthesia services performed at UCI in a manner inconsistent with federal healthcare program documentation requirements for those services, or inconsistent with federal healthcare program payment requirements for supervision of residents or CRNAs." The Regents agreed to pay $1.2 Million to the United States to resolve such claims.

"When patients were most vulnerable, UCI placed profits over patient safety. It is inspiring to see a distinguished physician stand up for honesty and patient safety, especially when others simply go along with improper and unsafe practices," said Louis J. Cohen, an attorney for Dr. O’Connor. In recognition of Dr. O’Connor's substantial contributions in bringing these actions to light, the Department of Justice agreed to pay Dr. O'Connor a relator's share of $120,000 out of such recovery. Government officials expressed great appreciation for Dr. O’Connor’s assistance in the investigation, and UCI reportedly has amended various practices as a result of the investigation.

Dr. O’Connor was represented by Louis J. Cohen, of Louis J. Cohen, PC, in Agoura Hills, G. Mark Simpson of the Simpson Law Firm, LLC in Atlanta, and Michael A. Sullivan of Finch McCranie LLP in Atlanta.

Louis J. Cohen, PC, is an Agoura Hills, CA whistleblower law firm, representing physicians and others in government fraud cases filed under the False Claims Act and representing employees/whistleblowers in retaliation and wrongful termination actions.

The Simpson Law Firm also represents relators in *qui tam* cases under the False Claims Act. Finch McCranie, LLP represents whistleblowers in False Claims Act cases and in the new IRS and SEC Whistleblower Programs.
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