

For Immediate Release

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Pietragallo Law Firm Contributes to \$24.5 Million Recovery as Multi-State Pain and Surgery Practice and Key Executives Settle False Claims Act Suits

TUESDAY, APRIL 12, 2022 - The United States Attorney’s Office for the Middle District of Florida and the Department of Justice announced today the settlement of four *qui tam* cases filed in Tampa. One of these whistleblower cases was filed by Dr. Sheldon Cho, a pain management physician and former employee of Florida Pain Relief Group, PLLC, and Dawn Baker, a national recruiter who had placed physicians with Physician Partners of America, LLC. Two individuals associated with these corporate defendants are also parties to the settlement.[\[1\]](#)

Ms. Baker and Dr. Cho alleged in their *Qui Tam* Complaint that Physician Partners of America, LLC, a multi-state pain management and surgical provider, Florida Pain Relief Group, PLLC, Texas Pain Relief Group, PLLC, Physician Partners of America CRNA Holdings, LLC, Medical Tox Labs, LLC, Medical DNA Labs, LLC (“Physician Partners of America, LLC and its affiliated entities”), and two of the company’s executives, namely, founder, Rodolfo Gari, and the company’s Chief Medical Officer, Abraham Rivera (collectively “PPOA”), knowingly submitted or caused the submission of false claims to Government healthcare programs, including Medicare, Medicaid, the Federal Employees’ Health Benefits Program (FEHBP), and Tricare, for unnecessary quantitative urine drug testing (UDT), pharmacogenetic tests, and psychological tests while also systematically upcoding anesthesia services. The matter has been pending before the Honorable Mary S. Scriven of the United States District Court for the Middle District of Florida.

The whistleblowers alleged in their Qui Tam Complaint that PPOA pressured their physicians and other healthcare providers to subject patients to quantitative urine drug tests, pharmacogenetic tests, and psychological tests regardless of medical need. Relators alleged PPOA violated the Stark Law by financially incentivizing their physicians to order quantitative UDT. Relators also asserted that PPOA systematically charged government payors for general anesthesia when lower-level anesthesia services were provided (i.e., upcoding). The United States did not file its own False Claims Act complaint but intervened in the four *qui tam* complaints.

In recognition of their collective efforts in bringing this action, the Relators shall receive 19% of the proceeds of the settlement.

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Under the terms of the settlement, Physician Partners of America, LLC, its affiliated entities, Dr. Gari, and Dr. Abraham agreed to pay the United States of America and the State of Florida \$24.5 million over multiple years, plus interest. PPOA also agreed to enter into a Corporate Integrity Agreement with the federal government which will help to ensure that fraudulent conduct does not reoccur at PPOA in the future.

Relators are represented by [Pamela Coyle Brecht](#), Esquire, Chair of the National False Claims Act Practice Group, and [Marc S. Raspanti](#), Esquire of the law firm of Pietragallo Gordon Alfano Bosick & Raspanti, LLP in Philadelphia, as well as local counsel for the Relators, Alan S. Wachs, Esquire of the law firm of Smith, Gambrell & Russell, LLP, in Jacksonville, Florida.

Lead Counsel Pamela Coyle Brecht, Esq. said:

“Our clients courageously blew the whistle and helped put an end to a multi-pronged, multi-state fraud scheme that interfered with physicians’ independent medical judgment and victimized patients and the government healthcare programs that paid for these services. Our clients exposed unscrupulous conduct which exploited the opioid crisis to justify the overutilization of drug tests and put corporate profits ahead of patients’ medical needs.”

Co-Lead Counsel Marc S. Raspanti, Esq. stated:

“I commend our two clients for taking the brave step of becoming whistleblowers. It is never an easy path for so many reasons.”

Pietragallo Gordon Alfano Bosick & Raspanti, LLP, has one of the largest and most successful [False Claims Act practices](#) in the United States. [Lawyers in the group](#) have served for more than 30 years as lead counsel in False Claims Act cases that have recovered more than \$2 billion for federal and state taxpayers all over the country.

The whistleblower’s Jacksonville-based counsel, Alan S. Wachs, Esq. stated:

“I am honored to represent clients who saw patients and taxpayers being exploited and helped put an end to such patent malfeasance.”

This matter was actively investigated by [the United States Department of Justice](#) and the United States Attorney’s Office for the Middle District of Florida – Tampa. Dr. Cho, Ms. Baker, and their legal team express their appreciation for the hard work by government lawyers and investigators, which resulted in the recovery of millions of dollars for federal and state taxpayers. In particular, they thank Lindsay Saxe Griffin, Assistant United States Attorney, Middle District of Florida, and David Tyler, Senior Trial Attorney, United States Department of Justice – Civil Division – Fraud Section, and their entire investigative team for their support and outstanding work on this case over the past three years.

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The lawsuit is captioned *United States ex rel. Dawn Baker et al. v. Physician Partners of America, LLC*, Case No. 8:19-cv-902-T-35-TGW (M.D. Fla.).

A copy of the unsealed *Qui Tam* Complaint, along with the Settlement Agreement, can be found at www.FalseClaimsAct.com.

About Pietragallo Gordon Alfano Bosick & Raspanti, LLP

[Pietragallo Gordon Alfano Bosick & Raspanti, LLP](#) is a multi-disciplined business and commercial litigation firm headquartered in Pittsburgh with five offices throughout Pennsylvania, Ohio, and West Virginia from which we serve our clients in all 50 states and the District of Columbia.

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