

CPM Garner \$1.4 Million Settlement in Whistleblower Suit Against San Diego Eye Doctors

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Cotchett, Pitre & McCarthy (CPM) today announced the \$1.4 million settlement of whistleblower allegations against two San Diego-area physicians, Mark D. Smith and Fane Robinson. The settlement resolves a whistleblower lawsuit brought by Cotchett, Pitre & McCarthy on behalf of a whistleblower, Dr. Atul Jain. The lawsuit alleges that Drs. Smith and Robinson systematically defrauded taxpayers and private insurance companies by falsifying records in order to bill for ophthalmology treatment performed by non-credentialed physicians.

As alleged in the recently unsealed complaint, the whistleblower, Dr. Jain, is a former colleague of Drs. Smith and Robinson. When he noticed suspicious changes in patient medical records, Dr. Jain raised his concerns with Drs. Smith and Robinson. When Drs. Smith and Robinson failed to fix the problem, or return any fraudulently received reimbursement, Dr. Jain filed a whistleblower lawsuit under the federal False Claims Act, the California False Claims Act, and the Insurance Fraud Protections Act. Those laws allow private citizens to bring non-public fraud to the attention of government prosecutors by filing what is known as a “qui tam” lawsuit.

The \$1.4 million settlement includes payments to both the federal Department of Justice for fraudulent Medicare bills, and to the California Department of Insurance, for improper bills submitted to private insurers. Dr. Jain will receive a percentage of the proceeds for bringing the scheme to light.

Justin T. Berger, partner at Cotchett, Pitre & McCarthy, said: “There is no shortage of fraud in the healthcare industry. Fortunately, brave whistleblowers continue to expose the theft of tax dollars, and we have tremendous partners in the government who aggressively pursue these

Attorneys

Justin T. Berger

Practice Areas

False Claims / Whistleblower Law

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schemes.”

The case is *United States, et al. ex rel. Jain v. Smith, et al.*, Case No. 18-cv-1213-AJB (WVG). For inquiries please contact: Justin T. Berger, Cotchett, Pitre & McCarthy, LLP; (650) 697-6000.