

LONG TERM CARE & SENIOR LIVING BLOG

DOJ Files Suit Against Missouri Doctor For Anti-kickback Statute

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The Justice Department is committed to combat fraud and abuse in federal healthcare programs. The most recent complaint filed by the DOJ is against Midwest Neurosurgeons LLC and its owner, Dr. Sanjay Fonn, MD, along with DS Medical LLC and its owner, Deborah Seeger. The defendants allegedly violated the Anti-Kickback Statute and False Claims Act by conspiring to solicit and receive commissions from medical device manufacturers related to the implant of spinal implants and supplies used for spinal fusion surgeries.

At the heart of this action is the need to protect a physician's medical judgment from improper financial incentives instead of the best interests of the patient. The "whistleblowers" listed in the caption of this qui tam case include several physicians as well as a spinal implant sales person and a former employee of Dr. Fonn's medical group, who brought the matter to the attention of the government. Allegedly, Dr. Fonn increased his use of spinal implants and performed more surgeries related to commissions paid to DS Medical. Ms. Seeger and Dr. Fonn allegedly used those commissions to purchase a boat, an airplane and a house.

Health providers need to be aware that not only will the government not tolerate fraud and abuse, but other providers are watching too, as whistleblowers on improper actions of healthcare providers. Read the full government notice on [Justice.gov](https://www.justice.gov).

By Denise Bloch

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