



# Department of Justice

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FOR IMMEDIATE RELEASE  
Friday, July 26, 2019  
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## Two Eastern Kentucky Counties Agree to Settlement Under the False Claims Act

**LEXINGTON, Ky.** - Two Eastern Kentucky counties have agreed to pay a total of \$130,393 to the United States, resolving assertions that the submission of their claims to Medicare for non-emergency ambulance transports that did not meet Medicare's reimbursement criteria.

Medicare pays for scheduled non-emergency ambulance transports only if the patient's condition is such that taking other forms of transport would endanger the patient's health and a physician provides a written order certifying that condition (known as "physician certification statements").

Gallatin County Fiscal Court has agreed to pay \$100,000 to the federal government to resolve claims that it routinely transported a Medicare beneficiary to and from dialysis, without medical need and without a physician certification statement, from January 1, 2013 to November 30, 2016. In addition to the monetary payment, Gallatin County also agreed to provide to all of its ambulance employees training on Medicare's coverage requirements, including medical necessity and physician certification requirements.

Wayne County Fiscal Court has agreed to pay \$30,393 to the federal government for the transport of a Medicare beneficiary to and from dialysis, without a proper physician certification statement, from September 1, 2013 to November 30, 2013. Wayne County self-disclosed the overpayments arising from the invalid certification statement and fully cooperated with the United States' investigation. As part of the settlement agreement, Wayne County has agreed to

provide training to other county ambulance services on what it has learned about medical necessity and physician certification requirements.

“When the Medicare Program pays for services that have not been properly justified, it deprives the program of precious resources to meet the needs of its beneficiaries,” said Robert M. Duncan, Jr., United States Attorney for the Eastern District of Kentucky. “Non-emergency ambulance transports to and from dialysis can be as frequent as several times a week and represent a significant cost to the Program. Because these services represent significant taxpayer expenses, it is critical that ambulance providers understand and comply with Medicare’s rules on medical necessity. A physician certification statement is not merely a technical requirement, but ensures that Medicare is only reimbursing these services for patients who truly need it. We appreciate Wayne County for self-disclosing and are glad both counties are willing to educate themselves and others on these rules.”

The Gallatin County case was investigated by the U.S. Department of Health and Human Services, Office of Inspector General. Assistant United States Attorneys Christine Corndorf, Jennifer Williams, and Mary Melton represented the United States in these matters.

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