



Department of Justice

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Lexington Foot and Ankle Center Agrees to Pay \$750,000 to Resolve Allegations of Violations of the False Claims Act

LEXINGTON, Ky. – Lexington-based podiatry practice Lexington Foot and Ankle Center, PSC (“Lexington Foot & Ankle”) and Dr. Michael Allen have agreed to resolve civil allegations that they violated the False Claims Act, a federal law that prohibits the submission of false or fraudulent claims to the federal government, agreeing to pay the United States \$750,000.

The agreement resolves a civil lawsuit filed by the United States against Lexington Foot & Ankle and Dr. Allen, on November 28, 2018. In the lawsuit, the United States alleged that Lexington Foot & Ankle, at Dr. Allen’s direction, submitted false claims to Medicare and the Federal Employee Health Benefits Program, seeking payment for nail debridement services, for which podiatrists or other practitioners either did not assess or observe medical necessity or only performed less involved procedures. The lawsuit alleged that the defendants nevertheless submitted reimbursement claims for nail debridements, which are reimbursed at a higher rate. The United States further alleged that Lexington Foot & Ankle and Dr. Allen created cloned (or nearly identical) patient records, in order to secure reimbursement for the false debridement claims.

In addition to the monetary payment, the defendants have also agreed to submit to an integrity agreement with the Office of Inspector of the Department of Health and Human Services (HHS-OIG), which will require additional review of their Medicare claims over a five-year period.

This case was investigated by HHS-OIG and the Office of the Inspector General of the Office of Personnel Management. Assistant United States Attorneys Carrie Pond and Mary Melton represented the United States.

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