



DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF INSPECTOR GENERAL



OFFICE OF INVESTIGATIONS  
MIAMI REGIONAL OFFICE  
7900 OAK LANE, SUITE 200  
MIAMI LAKES, FL 33016

[REDACTED], 2014

Dr. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED], FL [REDACTED]

Dear Dr. [REDACTED]:

Accompanying this letter is a subpoena addressed to you returnable to the U.S. Department of Health and Human Services, Office of Inspector General, Office of Investigations, Miami Regional Office, before my designee, Special Agent (SA) [REDACTED]. The subpoena has been issued pursuant to the authority provided to the Inspector General under Public Law 95-452 (see 5 U.S.C. Appendix 3 Section 6 (a)(4)), as amended by Public Law 100-504.

Under the health information privacy regulation that implements the Health Insurance Portability and Accountability Act of 1996, also known as HIPAA, providing the information requested by the attached subpoena is a permitted disclosure since it is "required by law" (see 45 C.F.R. §164.512(a), 164.103), and will be used for "health oversight" activities by the Office of Inspector General (OIG), which meets the definition of a "health oversight agency" (see 45 C.F.R. §§ 164.512(d), 164.501).

Fully legible and complete copies of the records called for by the subpoena will be accepted in response to the subpoena, provided that the original records will be made available to employees of my office, upon request, during normal business hours. Otherwise, original documents (including copies as maintained in your files) should be produced.

Failure to appear at the time and place specified in the subpoena may be taken as a failure to comply with the subpoena. However, as a convenience and in lieu of your personal appearance, you may assemble the documents requested and mail them by certified mail **on or before January 9, 2015**, to:

Page 2 – Dr. [REDACTED]

**Special Agent [REDACTED]**  
**U.S. Department of Health and Human Services**  
**Office of Inspector General**  
**Office of Investigations**  
**7900 Oak Lane, Suite 200**  
**Miami Lakes, FL 33016**

If you have any questions, please contact SA [REDACTED] at 305 [REDACTED]

Sincerely, [REDACTED]

[REDACTED]  
[REDACTED]  
Special Agent in Charge

Enclosure

# UNITED STATES OF AMERICA

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE OF INSPECTOR GENERAL

## SUBPOENA DUCES TECUM

Control No.: [REDACTED]

To: Dr. [REDACTED]  
[REDACTED] Inc.,  
[REDACTED]  
[REDACTED], FL [REDACTED]

YOU ARE HEREBY COMMANDED TO APPEAR BEFORE Special Agent, [REDACTED], an official of the Office of Inspector General, at 7900 Oak Lane, Suite 200, in the City of Miami Lakes, and State of Florida, 33016, on the [REDACTED] 2015, at 9:00 o'clock, A.M. of that day, in connection with an investigation into possible false or otherwise improper claims submitted for payment under Title XVIII (Medicare) and Title XIX (Medicaid) of the Social Security Act; and you are hereby required to bring with you and produce at said time and place the following:

*See Attachment*

which are necessary in the performance of the responsibility of the Inspector General under Public Law 95-452 (5 U.S.C. App. 3 § 6(a)(4)), as amended by Public Law 100-504, to conduct and supervise audits and investigations and to promote economy, efficiency and effectiveness in the administration of and to prevent and detect fraud and abuse in the programs and operations of the Department of Health and Human Services.

IN TESTIMONY WHEREOF

[REDACTED], the undersigned official of the Office of Inspector General of said DEPARTMENT OF HEALTH AND HUMAN SERVICES, has hereunto set his hand this [REDACTED], 2014.

[REDACTED]  
Special Agent in Charge



UNITED STATES OF AMERICA  
DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE OF INSPECTOR GENERAL

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ATTACHMENT A FOR SUBPOENA DUCES TECUM

A. DEFINITIONS

Unless otherwise provided for, the following terms shall have the meanings specified:

1. "Company" or "You" means any and all of the following: [REDACTED], Inc., [REDACTED], Inc., and any and all predecessors, successors, parent organizations, subsidiaries, affiliates, branches, divisions, units, or offices of such entity.
2. The term "document(s)" means any and all writings and recorded material in any form, including but not limited to, written, printed, typed, photographed, recorded, electronic, or otherwise reproduced or stored communication or representation, whether comprised of letters, words, numbers, pictures, sounds, or symbols, and any copies of documents, contemporaneously or subsequently created, which have any non-conforming notes or other markings, and the reverse side of any communication or representation which also contains any of the above.
  - a. By way of example, "document(s)" includes: ledgers, books of account, payroll ledgers, financial statements, checks, check stubs and registers, bank statements, wire transfers, powers of attorney, receipts, vouchers, invoices, journals, appointment books or calendars, diaries, reports, correspondence, notes, newsletters, memoranda, minutes of meetings, working papers, directives, manuals, contracts, charts, graphs, drawings, marketing materials, bulletins, training and compliance materials, and other materials stored in any data storage system. This also includes electronic storage media, which incorporates electronic mail, voicemail messages, facsimiles, videotapes, audiotapes, photographs, magnetic tapes, computer discs (including floppy disks, hard drives, hard disks, jump drives, flash memory devices, and writeable or recordable CDs and DVDs of all types), Personal Digital Assistants, BlackBerrys, cell phones, backup media, all programming instructions, record layouts, and other material necessary for the retrieval of all electronic or word processing material and printouts of data or information stored or maintained by electronic means.
  - b. The term "document(s)" also includes preliminary drafts or revisions, any attachments or enclosures, as well as copies or duplicates that are not identical to the original because of additions, deletions, alterations, or notations.
3. The term "correspondence" means transmittal of information (in the form of facts, ideas, inquiries or otherwise) between two or more persons.

4. The term “communication” means any transmission or exchange of information between two or more persons, orally or in writing, and includes, without limitation, any conversation or discussion, whether face-to face or by means of telephone, facsimile, letter, notes of conversations, memorandum, text message, instant message, tweets, electronic posts, or electronic mail message of whatever type and description in Your possession, custody, or control, however made, and includes all handwritten, typed, printed, recorded, transcribed, and taped writing or record of such communications.
5. The terms “relate to” or “relating to” mean to make a statement about, refer to, discuss, describe, reflect, evidence, identify, deal with, consist of, or in any way pertain, in whole or in part, to the subject. These terms include, without limitation, the synonyms pertaining, concerning, supporting, refuting, reflecting, describing, containing or connecting in any other manner to the matter described.
6. The terms “or” and “and” are inclusive, referring to any one or more of the disjoined words or phrases, and “any” and “all” also include “each and every.”
7. All present tenses of verbs or verb forms shall be considered to include within their meaning the future and past tenses as well, and vice versa.
8. The singular forms of a noun or pronoun shall be construed to include within its meaning the plural form of the word, and vice versa.

**B. INSTRUCTIONS**

1. Time Period: Unless otherwise specified, this subpoena refers to documents dated, created, revised, or in effect from **January 1, 2009, through the date of issuance of the subpoena** (Subpoena Period), and shall include all documents that relate to such period even though prepared before or after such date.
2. Possession, Custody, and Control: Except as otherwise provided in the instructions (including, but not limited to the limitation contained in Instruction 4 with respect to privileges), this subpoena requires the production of all documents responsive to one or more of the specifications set out below which are in the possession, custody, or Your control, regardless of where located.
3. Statement of “No Responsive Documents”: If no documents exist that are responsive to a specification, a written statement to that effect shall be provided at the time of production.
4. Privilege: If You withhold any document on the ground of any privilege, you shall provide a log or index setting forth:
  - a. The type of document (e.g., letter, memorandum, contract, etc.);
  - b. The date of the document, if known;
  - c. The title of the document;
  - d. The name and address and position of the author of the document and of any person who assisted in its preparation;

number each page sequentially beginning with "000001." The marks should be placed in the lower right hand corner of each page, but should not obscure any information on the document.

11. Transmittals: All documents should be accompanied by a transmittal letter that includes (1) the subpoena control number, (2) Your name, (3) the date of production, (4) the paragraphs of the subpoena to which the documents respond, and (5) the Bates range.

**C. SPECIFICATIONS**

For the Subpoena Period, provide the following:

1. All medical records and files, billing records, appointment books and calendars, patient sign-in logs and financial records pertaining to the Medicare beneficiaries identified below. Including, but not limited to, doctors' orders and notes, nurses' notes, test results, films or images, photographs, any records indicating which physician(s), nurse, assistant or technician treated or examined the patient, patient ledgers, superbills, claims for payment, accounts receivable and payable, and correspondence.

Patient Name	HICN
1. Lo	XXX-XX-
2. Eli	XXX-XX-
3. Lo	XXX-XX-
4. Rc	XXX-XX-
5. Ne	XXX-XX-
6. Rc	XXX-XX-
7. Sh	XXX-XX-
8. Ba	XXX-XX-
9. Jo	XXX-XX-
10. M	XXX-XX-
11. Ir	XXX-XX-
12. C	XXX-XX-
13. Fi	XXX-XX-
14. R	XXX-XX-
15. D	XXX-XX-
16. D	XXX-XX-
17. H	XXX-XX-
18. Cl	XXX-XX-
19. K	XXX-XX-
20. R	XXX-XX-
21. Fr	XXX-XX-
22. A	XXX-XX-
23. D	XXX-XX-
24. Pa	XXX-XX-
25. Ja	XXX-XX-
26. R	XXX-XX-

- e. The name, address and position of all persons to whom the document or a copy of the document was sent;
  - f. The number of pages;
  - g. A brief description of the subject matter;
  - h. The paragraph of the subpoena to which it is responsive; and
  - i. The factual and legal basis(es) for Your claim of privilege or grounds for non-production asserted with respect to the document.
  - j. The recommended formats for producing Privilege Logs are MS Excel or MS Access. All documents determined by You to be privileged shall be identified in a manner agreed upon by the parties.
5. Redaction: When a requested document contains both privileged and non-privileged material, the non-privileged material must be disclosed to the fullest extent possible. If a privilege is asserted with regard to a part of the material contained in a document, the party claiming the privilege must clearly indicate the portions as to which privilege is claimed. When a document has been redacted or altered in any fashion, identify as to each document the reason for the redaction or alteration. Any redaction must be clearly visible on the redacted document and marked accordingly (e.g., use of the word "REDACTION" within or adjacent to the redaction box).
6. Organization of Documents Produced: All documents produced pursuant to this subpoena shall be organized in such a manner that all documents relating to a particular specification are grouped together and identified as being responsive to that specification.
7. Physically Stored Documents: All documents provided in response to this subpoena are to include all marginalia and post-its, as well as any attachments referred to or incorporated by the documents. All documents that contain handwriting, marginalia, or post-its shall be produced in color-scanned copies.
- To the extent that documents are found attached to other documents, by means of paper clips, staples or other means of attachment, such documents shall be produced together in the same grouping.
8. Electronically Stored Information: The definition of "document," includes data stored in any electronic form. All responsive data that are stored electronically must be produced in an electronic format according to the instructions in Attachment B.
9. Non-Destruction: No document called for by this subpoena shall be destroyed, modified, redacted, removed, or otherwise made inaccessible, except insofar as documents are withheld under a claim of privilege in compliance with the instructions herein. Any decision by the United States to permit a partial or limited response to a request in the subpoena is not a waiver of the request and does not extinguish your obligation to maintain and preserve all documents called for by the subpoena.
10. Bates Labeling: To facilitate the handling and return of the submitted documents, please mark each page with an identifying logo or the first three letters of your name and

Patient Name	HICN
27. Wi	XXX-XX-
28. Gl	XXX-XX-
29. De	XXX-XX-
30. De	XXX-XX-
31. Ar	XXX-XX-
32. Ch	XXX-XX-
33. Th	XXX-XX-
34. Cl	XXX-XX-
35. G	XXX-XX
36. R	XXX-XX
37. A	XXX-XX
38. Fa	XXX-XX
39. In	XXX-XX
40. H	XXX-XX
41. M	XXX-XX
42. M	XXX-XX
43. K	XXX-XX
44. M	XXX-XX
45. M	XXX-XX
46. R	XXX-XX
47. L	XXX-XX
48. R	XXX-XX
49. Tl	XXX-XX
50. Fr	XXX-XX

2. All documents that identify the current and former employees of [REDACTED] and [REDACTED] (to include part-time, full-time and contractors), such as physicians, nurses, assistants, technicians, and any employees involved with the billing or processing of claims, including but not limited to documents that identify such employees\*:

- a. Name;
- b. Address;
- c. Telephone number;
- d. Social security number;
- e. Position held;
- f. Job description;
- g. Dates of employment;
- h. NPI number where appropriate; and
- h. Training and work experience.



3. Any and all documents reflecting the work schedules and work location assignment (on a daily basis) for the staff of [REDACTED] and [REDACTED]; [REDACTED], including the work schedules of Dr. [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED], and any other medical providers.
  
4. Any and all documents reflecting any professional service agreements of any type, including consulting contracts, referral agreements and employment agreements, between [REDACTED], [REDACTED], and/or Dr. [REDACTED], [REDACTED], and any physician, to include Dr. [REDACTED] and Dr. [REDACTED], along with all memoranda, correspondence, notes, payment records, cost reporting and accounting records, check requests, canceled checks, accounts payable records and ledgers, cash disbursement records, IRS forms W-2 or 1099, physician timesheets or time studies, physician work product, and any other documents relating to those agreements, negotiations concerning those agreements, authorization to enter into those agreements, and the physician's performance of services under those agreements.
  
5. Any and all documents pertaining to any compensation or benefits provided by [REDACTED] or [REDACTED] Eye Center, and/or Dr. [REDACTED] to any physician, to include Dr. [REDACTED] and Dr. [REDACTED]; and the number or value of referrals to [REDACTED], [REDACTED], and/or Dr. [REDACTED] by any physician, to include Dr. [REDACTED] and Dr. [REDACTED].
  
6. Any and all documents mentioning or referring to the Stark Statute, 42 U.S.C. § 1395nn, or the Federal Anti-Kickback Statute, 42 U.S.C. § 1320a-7b(B).