



# OFFICE OF INSPECTOR GENERAL

## TEXAS HEALTH AND HUMAN SERVICES COMMISSION

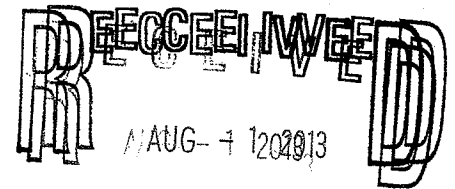
July 31, 2013

DOUGLAS C. WILSON, CPA. CIG  
INSPECTOR GENERAL

**\*\*\*\*FINAL NOTICE OF OVERPAYMENT\*\*\*\***

Via CMRRR No 7011 2970 0004 0124 3906

Trueblood Dental Associates, P.A.  
c/o Jason Ray, Riggs, Aleshire & Ray  
700 Lavaca St. Suite 920  
Austin, Texas 78701  
PHONE (512) 457-9806  
FAX (512) 457-9066



RIGGS, ALESHIRE & RAY, P.C.  
RIGGS, ALESHIRE & RAY, P.C.

Re: Trueblood Dental Associates, P.A.  
TPIs 1889487, 2039687, 2050239, 2050262, 2167108 and 2167504  
HHSC-OIG Case No. P20121334945048248

Dear Provider:

The Texas Health and Human Services Commission Office of Inspector General (HHSC-OIG) conducted an investigation of claims submitted by you, Trueblood Dental Associates, P.A. ("Trueblood" or "Provider") for payment under Medicaid or other Health and Human Services (HHS) programs, during the approximate time period from on or about September 1, 2007 through June 30, 2012.

Pursuant to 1 Tex. Admin. Code § 371.1711(c)(2) (2012) **HHSC-OIG hereby determines that Trueblood received an overpayment in the amount of \$16,209,289.00.** This amount includes any funds paid in excess of the amount to which you were entitled under §1902 of the Social Security Act or other state or federal statutes for a service or item furnished within the Medicaid or other HHS programs. The recipients whose records and billings were reviewed and whose findings resulted in the above-referenced extrapolated overpayment amount are delineated in the "Attachment A" which has been provided along with this Notice on a password-protected CD. The Attachment A is fully incorporated herein.<sup>1</sup>

<sup>1</sup> Please contact this office to obtain the password to access this disk, which contains protected health information.

HHSC-OIG has determined that:

1. On or about December 23, 2009, Trueblood provided services to recipient Y.B. that substantially exceeded the recipient's needs, were not medically necessary, were of a quality that failed to meet professionally recognized standards of health care and/or that were negligently rendered and likely to result in injury, or substantial probability injury, to patient Y.B. Specifically, Trueblood unnecessarily placed sixteen stainless steel crowns and performed seven therapeutic pulpotomies on recipient Y.B. and those services were performed below the standard of care. This conduct constitutes violations of 1 Texas Administrative Code § 371.1617 (5)(A) and (G) and (6)(A), (B) and/or (C)(2005).
2. During the approximate time period from September 1, 2007 through June 30, 2012, Trueblood billed for and received payment for services that substantially exceeded recipients' needs, were not medically necessary, were not provided economically or were of a quality that failed to meet professionally recognized standards of health care. Specifically, Trueblood billed and was paid for:
  1. Invasive treatments, including but not limited to stainless steel crowns and pulpotomies for which medical necessity was not corroborated by radiographs;
  2. Removal of teeth without radiographic justification;
  3. Restorations of teeth without justification or for which a less invasive treatment would have been appropriate or for which medical necessity was not corroborated by radiographs;
  4. Treatment for which clinical notes and/or recipient records did not match or were in conflict with pre-operative narratives for completed general anesthesia cases; and
  5. Administering local anesthesia, Nitrous Oxide or both without documenting recipient weight.

This conduct constitutes violations of 1 Texas Administrative Code § 371.1617(5)(A) and (G) and (6)(A) and (B) (2005).

3. During the approximate time period from September 1, 2007 through June 30, 2012, Trueblood billed or caused claims to be filed for dental services that were not provided to recipients, including but not limited to, claims for higher-paying services when recipient records indicate that lower-paying services were rendered. This constitutes a violation of 1 TEX. ADMIN. CODE § 371.1617 (1)(B) and (F) (2005).
4. During the approximate time period from September 1, 2007 through June 30, 2012, Trueblood failed to maintain for the period of time required by the rules relevant to Trueblood records and other documentation that Trueblood was required to maintain in order to participate in the Medicaid or other HHS program or to provide records or documents upon written request by HHSC-OIG. Specifically, Trueblood failed to maintain or provide:

1. Signed medical health history forms;
2. Clinical notation documenting information from legal guardians of recipients concerning medical health history or updates;
3. Documentation of recipient weight, including but not limited to, prior to administration of anesthesia or Nitrous Oxide;
4. Documentation of all components of comprehensive oral examination assessments;
5. Signed informed consents;
6. Documentation that all components of First Dental Home services of were rendered;
7. Documentation to substantiate justification for Texas Medicaid General Anesthesia Guidelines;
8. Documentation of Behavior Scale Scores;
9. Documentation demonstrating that services billed were rendered;
10. Documentation in the clinical record of the recipient's condition, medical necessity for treatment rendered, or narrative of treatment;
11. Radiographs that were billed to and paid for by Medicaid; and
12. Radiographs that were of diagnostic quality;

The above-referenced constitutes violations of 1 TEX. ADMIN. CODE § 371.1617(2)(A) and (C) and (5)(A) and (G) 2005).

HHSC-OIG affords, to any provider or person against whom it imposes sanctions, all administrative and judicial due process remedies applicable to administrative sanctions, including an informal review, an administrative contested case hearing, or both. If both an informal review and administrative contested case hearing are chosen, the administrative contested case hearing and all pertinent discovery, prehearing conferences, and all other issues and activities regarding the formal appeal hearing will be abated until all informal review discussions have ended without settlement or resolution of the issues. 1 Tex. Admin. Code § 371.1615(g) (2012).

Be advised that HHSC-OIG has the authority to recover costs related to an administrative contested case hearing, including: the hourly HHSC Appeals fee, court reporter fees, deposition expenses and other discovery costs, witness expenses (including travel and per diem), staff preparation time (including salaries, travel, and per diem), and the costs of transcripts and copies. 1 Tex. Admin. Code § 371.1711(e) (2012).

To appeal this final sanction, you must file a written request for appeal sent by certified mail, and it must be received HHSC-OIG at the following address, **no later than the 15<sup>th</sup> calendar day** after the date of receipt of this notice:

Texas Health and Human Services Commission  
Office of Inspector General  
Attn: Cheryl Fee, Associate Counsel  
Mail Code I-1358

Trueblood Dental Associates, PA  
HHSC-HHSC-OIG CASE No. P20121334945048248  
FINAL NOTICE OF OVERPAYMENT  
July 31, 2013  
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P.O. 85200  
Austin, Texas 78708-5200

The letter requesting an appeal hearing or informal review must contain a statement as to the specific issues, findings, and/or legal authority in the notice letter with which you disagree, and the basis for your contention that the specific issues or findings and conclusion are incorrect. The request for an informal review, a formal administrative appeal, or both must be signed by you or your attorney. 1 Tex. Admin. Code §371.1615(b) (2012).

**THIS SANCTION WILL BECOME FINAL AND UNAPPEALABLE UPON THE EXPIRATION OF 30 CALENDAR DAYS AFTER RECEIPT OF THE NOTICE OF FINAL SANCTION IF NO TIMELY REQUEST FOR APPEAL HAS BEEN RECEIVED BY HHSC-OIG.**

The effect of this determination becoming final creates a final debt in favor of the State of Texas. As such, you will have 30 days after this notice becomes final to pay the amount of the overpayment, negotiate a payment plan, or file a petition for judicial review. 1 Tex. Admin. Code §371.1617(b) (2012).

Please be aware that because of HHSC-OIG's identification of overpayment, consideration of any applications for enrollment or for new provider numbers may be postponed until final resolution of the matters described herein. 1 Tex. Admin. Code §352.11 (2012), 1 Tex. Admin. Code §371.1011 (2012) and 1 Tex. Admin. Code §371.1013 (2012).

The 2005 Texas Administrative Code rules cited above can be accessed online at the following web address:

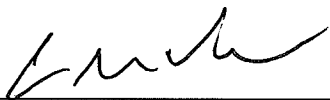
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The 2012 Texas Administrative Code rules cited above can be accessed online at the following web address:

[http://info.sos.state.tx.us/pls/pub/readtac\\$ext.ViewTAC?tac\\_view=5&ti=1&pt=15&ch=371&sch =G](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=5&ti=1&pt=15&ch=371&sch =G)

If you have any questions, please contact me at (512) 491-4052.

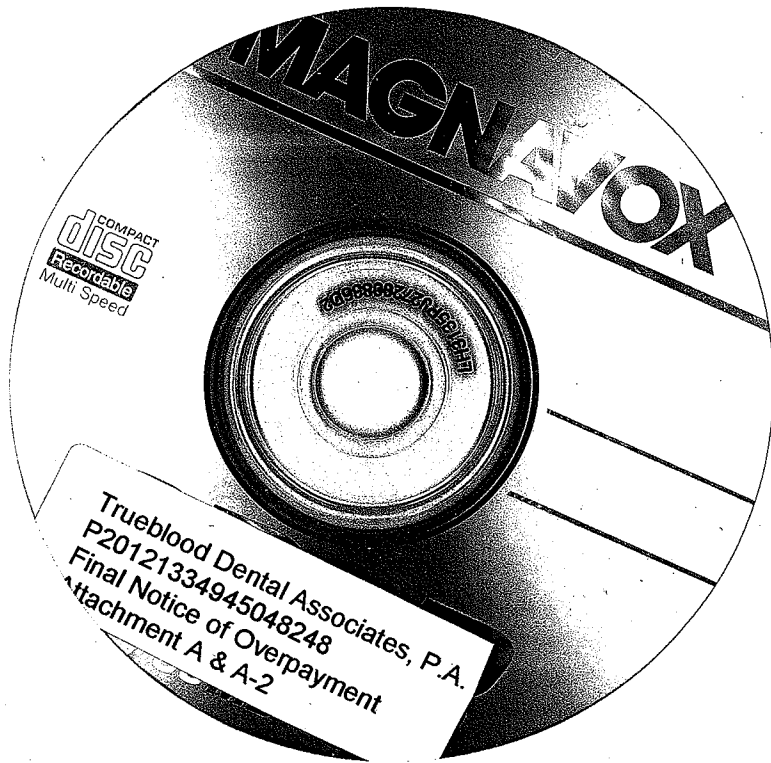
Sincerely,



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Enrique Varela  
Associate Counsel, HHSC - OIG

Enc. (1- Attachment A)



Trueblood Dental Associates, P.A.  
P20121334945048248  
Final Notice of Overpayment  
Attachment A & A-2