

The Office of the Inspector General (OIG), Department of Defense (DoD), announced today that on December 12, 2001, a civil settlement agreement had been reached between Nighttime Pediatrics Clinic (Nighttime), Midvale, UT, and the U.S. Attorneys Office, Salt Lake City, UT. The settlement addresses allegations that Nighttime defrauded Government health care insurance programs by submitting false claims that Nighttime knew or should have known were false and that Nighttime acted in deliberate ignorance of the truth or falsity of the claims. Nighttime agreed to pay the U.S. Government \$71,185.22 to settle these issues. The settlement agreement was signed by U.S. District Court Judge David Sam on December 12, 2001.

Nighttime allegedly billed TRICARE and Medicaid for the higher reimbursement of new patient visits when, in fact, claims should have been for the lower reimbursement of established patient visits after their initial appointment. From 1992 through 2000, Nighttime improperly billed TRICARE for 89 claims on which Nighttime was paid \$1,388.53 for the higher-priced new patient rate. From 1992 through 2000, Nighttime improperly billed Medicaid for 2,151 claims on which Nighttime was paid \$15,673.15 for the higher-priced new patient rate.

Based upon the foregoing agreement and stipulation between the parties, Nighttime agreed to pay treble the actual damages of \$17,061.74, totaling \$51,185.22; and two civil penalties of \$10,000 each, for a total judgment of \$71,185.22.