

Current Trends in Chiropractic Fraud: Effective Investigation Techniques

*Presented to the Iowa-Nebraska Chapter of the
International Association of Special Investigation Units*

- I. General Introduction — Michael Parker Biography
- II. Types of Injections
 - A. Trigger Point Injections (TPI)
 - B. Epidural Steroid Injections (ESI)
 - C. Facet Injections
 - D. Medial Branch Block Injections (MBBI)
- III. Chiropractic Modalities
 - A. Straight Leg Raising
 - B. Sitting or Bekhtrev's Test
 - C. Shoulder Depression
- IV. Trigger Point Injections (TPI): inject an anesthetic into the muscle to release the trigger point and provide relief from symptoms
 - A. Distinction Made Between Trigger Points and Muscle spasms
 - B. Indications of Active Trigger Points
 - C. Contraindications
 - D. Red Flags Indicative of Fraud
- V. Epidural Steroid Injections (ESI): with the goal of providing pain relief, they deliver medication directly to the source of pain in the epidural space and can reduce inflammation

- A. Definition of Epidural Space
 - B. Risks associated with ESIs
 - C. Red Flags Indicative of Fraud
- VI. Facet Injections: inject a small amount of local anesthetic and/or steroid medication into the joint to numb the facet joints and block pain
- A. Definition of Facet Joints
 - B. Facet Injections Diagnose and Mitigate the Pain
- VII. Medial Branch Block Injections (MBBI): inject an anesthetic outside the facet joint space near the medial branch that contributes and connects to a specific facet joint
- A. Definition of the Medial Branch
 - B. MBBIs Diagnose the Pain and Determine Eligibility for Pain-Relieving Procedures
 - C. Red Flags Indicative of Fraud
- VIII. Legitimate Reasons for Injections
- A. Appropriate Symptomatology
 - B. Appropriate Diagnostic and Radiological Research
 - C. Unsuccessful Conservative Treatment
- IX. Spotting Unnecessary Injections
- A. Lack of Conservative Treatment/Records
 - B. Lack of Orthopedic Tests and Neurological Findings
 - C. Excessive Injections Administered
 - D. Injections Inconsistent with Symptomatology

- E. Fluoroscopy Guidance Not Used
- F. Lack of Proper Follow-up Procedures
- X. Treatment Abuse: Front End
 - A. Initial Evaluation Did Not Locate Trigger Points
 - B. Yet the “Treatment Plan” Includes “Myofascial Trigger Point Therapy”
- XI. Treatment Abuse: Back End
 - A. Patient Received Lumbar Epidural Steroid and Trigger Point Injections
 - B. These Injections Are Not Medically Necessary
- XII. Billing Abuse
- XIII. Questions
- XIV. General Introduction — Jason D. Tomlin Biography
- XV. Current Trends in Fraud
 - A. Government Analogy
 - B. Cookie-Cutter Billing
 - C. Chiropractic Care As Big Business
 - D. Red Flags Indicating Fraud
- XVI. MCIU Investigation
 - A. Sample Questions that Elicit Patterns across Files
 - B. Theme of Question Outline
 - C. MCIU Should Be Aware of Some Patterns that Parker Straus Discovered
 - D. Overcharging As Motive
 - E. Overcharging with Protocol Treatment As Fraud

- XVII. Major Fraud Pre-litigation Areas of Focus
- XVIII. Pre-litigation Settlement Conference and Litigation
 - A. MCIU Role
 - B. Necessary Witnesses to Prove Case
- XIX. What Are the Issues?
 - A. Inflated Medical Billing
 - B. Missing Medical Records
 - C. Assessing Claims and Claims Pressures
- XX. Pre-suit Discovery Tools
- XXI. Pre-suit Discovery by State
- XXII. Texas Rule 202
 - A. When Can You Use Rule 202?
 - B. Rule 202 Allows Authority for Document Production
 - C. Rule 202 Procedure and Hearing
 - D. Rule 202 Goals and Strategy
- XXIII. Claim of John Doe: Study on Value of Rule 202
 - A. Red Flags in Claim of John Doe
 - B. Rule 202 Petition
 - C. Deposition Summaries
- XXIV. Inconsistencies across Claimants
 - A. Received Cortisone Shots
 - B. No Records of Some Allegedly Received Shots

- C. No Monitoring Devices Used
- D. No Sedatives Administered
- E. Denied Receiving CMTs
- F. Description of Injuries Contradicts Records

XXV. After the Rule 202 Depositions

XXVI. General Introduction — Emily G. Cottingham Biography

XXVII. Affirmative Litigation

- A. Jurisdiction
- B. Venue
- C. Considerations
- D. Application in Court
- E. Voir Dire

XXVIII. Discussion Debunking Traditional Notions of Jurisdiction and Venue

XXIX. The Good News: We're the Good Guys. Really. Voir Dire Demonstrations

XXX. Finishing Strong

- A. Closing
- B. Jury Instructions

XXXI. Goals

- A. Deterrent
- B. Recoup Damage Money
- C. Affect Billing Practices Industry-wide