

# X-Ray Cos. Ordered To Pay \$16M In Medicare Fraud Case

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## Summary

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## Body

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U.S. District Judge William P. Dimitrouleas granted the judgment against Bedside Imaging LLC and Raymack Enterprises Inc., both run by Raymack director Bruce Koplowitz, after their attorneys from the Law Office of Benedict P. Kuehne PA withdrew in August, according to court documents. The judge noted that the companies had neither appointed new counsel nor responded to relator Kevin McDonough's Dec. 10 motion for default judgment.

"The court informed defendants Florida Bedside Imaging and Raymack Enterprises that it is a well-settled principle of law that a corporation cannot appear pro se and must be represented by counsel," Judge Dimitrouleas said.

McDonough, a retired X-ray technologist who has worked as an independent consultant to mobile X-ray companies on Medicare reimbursement and compliance, claimed in November 2011 that Koplowitz had been convicted of felonies tied to his possession of cocaine before he took over Raymack.

He alleged the Social Security Act allowed the secretary of health and human services to prohibit people with criminal offenses linked to the manufacture, distribution, prescription and dispensation of a controlled substance to take part in federal health care programs.

"Obviously, a rap sheet is not the best resume and a series of cocaine convictions suggest less than the ideal preparation for running a Medicare business," Jonathan Kroner, an attorney for McDonough, said Wednesday. "We can all be grateful for the fraud-fighting efforts of the United States Department of Justice and for Mr. [Wifredo] Ferrer, the U.S. attorney in the Southern District of Florida. ... Significantly, lots of people see fraud and look the other way, but my client has taken personal and professional risk."

The defendants in the suit, which also includes other individuals linked to the scheme, allegedly filed reimbursement claims in violation of the False Claims Act because of the lack of proper medical supervision, and because Koplowitz allegedly did not report a change in ownership when he bought other's Medicare provider numbers, according to the November 2011 amended complaint.

The court ordered default judgment against Florida Bedside Imaging and Raymack that included \$330,000 in civil penalties and damages of nearly \$15.8 million, according to court documents.

McDonough will receive 27.5 percent of the proceeds, along with fees and costs, according to the order.

The relator is represented by Jonathan Kroner of the Jonathan Kroner Law Office.

The case is U.S. v. Bruce Koplowitz, et al., case number 0:10-cv-61570, in the U.S. District Court for the Southern District of Florida.

--Editing by Elizabeth Bowen.