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Medicaid Fraud

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Maryland Domicile Rule For Bar Admission Deleted

Effective, January 22, 1982, the Court of Appeals of Maryland has ordered the deletion of all requirements relating to domicile for admission to the Bar. The amendments to the Rules Governing Admission to the Bar of Maryland relate not only to the domicile upon admission requirement (Rule 10), but also affect the rules governing admission of out-of-state attorneys (Rule 14).

The order amends Rule 1 and Rule 14 and deletes Rule 10 of the Rules Governing Admission to the Bar as follows:

Rule 1. Definitions — Interpretations

a. Definitions

[deleted: Bona fide resident "Bona fide resident" means a domiciliary of Maryland]

[Deleted: Rule 10. Maryland Domicile Essential on Admission.

No person shall be admitted to the Bar of this state unless at the time of admission such person is a domiciliary of Maryland.]

Rule 14. Out-of-State Attorneys

[Deleted: No person may be admitted to the Bar of this State under this rule unless at the time of admission he is a domiciliary.]

Medicaid Fraud

The Medicaid Fraud Control Unit, a division of the State Department of Health and Mental Hygiene's medical assistance program, has cracked-down on participating doctors and individuals who have been abusing the system by filing false claims. The suits have resulted in imprisonment, fines and payment of restitution for Medicaid fraud.

The largest Medicaid fraud case brought against an individual by the

Unit has charged Dr. Henry E. Youmatz, a Kingsville dentist, with defrauding the State of \$25,000 for dental services he never performed.

A total of 786 counts of fraud were filed in the Baltimore City Criminal Court against Youmatz. He is accused of submitting false claims to the State Department of Health and Mental Hygiene's medical assistance program between 1977 and 1980. Youmatz received about \$550,000 in Medicaid reimbursements from the State during that period.

Charles L. Barnes, of Salisbury, has been sentenced to three years in prison, fined \$20,000 and ordered to pay \$27,280 in restitution after pleading guilty to Medicaid fraud charges in connection with the operation of the Shangra-La Nursing Home in Delmar, Delaware. He is the first nursing home operator in Maryland to be imprisoned for Medicaid fraud and one of the first sent to prison in the nation.

Dr. David A. Spott, a dermatologist who practices in Hyattsville and Clinton, as well as in Washington, D.C., has been fined \$15,000 and ordered to pay \$8,000 in restitution to the State after pleading guilty in Baltimore Criminal Court to receiving \$7,901.96 between January, 1976 and December, 1979 by billing the State for medical consultation services he did not perform.

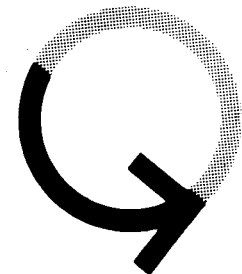
Dr. Arcadius H. Hakim, who practices in Clinton, Md., has been ordered to perform 350 hours of unpaid community service at the House of Correction in Jessup and pay \$150 in restitution after receiving probation before judgment following a guilty plea to three counts of false pretenses and two counts of Medicaid fraud.

A Baltimore Criminal Court jury has convicted Dr. Fungpit Boon of North Linthicum, of 17 charges of Medicaid fraud in connection with bills he sent to the Medicaid Assistance Program for more expensive services than he actually performed. In one case, Boon, an obstetrician and gynecologist, billed the State for a delivery he never performed, and he often listed regular office visits as "consultations," which are more costly

sessions when one doctor advises another on a patient.

Finally, the Unit succeeded in retrieving \$281,735 the Dept. of Health & Mental Hygiene mistakenly paid Friendship Villa, Inc., which failed to notify the State that it had sold its six Maryland nursing homes to an out-of-state firm. After an extensive investigation into the erroneous payments by the Medical Assistance Administration, it was found that the company had violated MD. ANN. CODE Art. 27, §342(d), (1976), which makes it a crime to obtain control of the property of another if it is known that it has been delivered mistakenly and no effort is made to restore it to its rightful owner. The Unit agreed to accept full restitution of the payments, plus interest, in lieu of criminal prosecution.

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