



THE HEALTH LAW PARTNERS

ADRIENNE DRESEVIC, ESQ.

ADRESEVIC@THEHLP.COM

32000 NORTHWESTERN HWY., STE. 240

FARMINGTON HILLS, MI 48334

PH: (248) 996-8510

FAX: (248) 996-8525

DETROIT – NEW YORK

WWW.THEHLP.COM

JUNE 14, 2022

SENT VIA EMAIL (EVAN.YABLONSKY@CARESOURCE.COM AND PEGGY.BEAT@CARESOURCE.COM)

CareSource Ohio

Attn: Evan Yablonsky, Esq., Senior Counsel

Peggy Beat, Esq., Associate General Counsel

P.O. Box 8738

Dayton, OH 45402

**RE: LEON MARGOLIN, M.D. CREDENTIALING STATUS – ONBOARDING
APPLICATION NO. 181432**

Dear Mr. Yablonsky and Ms. Beat:

Please be advised that this firm represents Leon Margolin, M.D. and Comprehensive Pain Management Institute, LLC (“CPMI”) in connection with Dr. Margolin’s CareSource onboarding application. If you are not the appropriate points of contact for this matter, please forward this letter to the appropriate contact person.

By way of background, Dr. Margolin initiated the onboarding process with CareSource Ohio (“CareSource”) in April 2021. On April 22, 2021, Dr. Margolin received an e-mail from CareSource Health Partner Services (“CSHPS”) confirming that it received his onboarding information. On May 4, 2021, CSHPCS notified Dr. Margolin that his onboarding application was discontinued due to CareSource being “unable to contract at this time.” On October 29, 2021, a CareSource Provider Enrollment Coordinator (“PEC”) e-mailed CPMI to inform Dr. Margolin that his onboarding application was being processed. However, the PEC informed Dr. Margolin that his Council for Affordable Quality Healthcare (“CAQH”) application had expired, and he needed to update and re-file the application to complete the process. Dr. Margolin immediately updated and re-filed the CAQH application. On November 19, 2021, CPMI e-mailed the PEC to inform CareSource that the CAQH application had been re-filed and to request a status update. Dr. Margolin never received a status update from the PEC or CareSource. On April 21, 2022, CPMI again e-mailed the PEC for a status update but received no response.

Dr. Margolin has complied with all procedural/documentation requirements for the onboarding process, yet CareSource has failed to timely process Dr. Margolin’s onboarding application or to provide him any status update.

[32000 NORTHWESTERN HWY., STE. 240, FARMINGTON HILLS, MI 48334] [PH: (248) 996-8510] [FAX: (248) 996-8525]

THE HEALTH LAW PARTNERS, P.C. (HLP), IS A MICHIGAN PROFESSIONAL CORPORATION. THE HLP OPERATES ADDITIONAL OFFICES IN NEW YORK AS “THE DRESEVIC, IWREY, KALMOWITZ & PENDLETON LAW GROUP”.

We find this delay to be extremely problematic, especially in a community that has suffered greatly during the opioid epidemic. As you are surely aware, the rate of unintentional drug overdoses in Ohio increased in 2021 by over twenty-six (26%) percent. Moreover, Franklin County (*i.e.*, one of the counties that Dr. Margolin services) has been cited by the Ohio Attorney General as one of the top 3 hardest-hit counties in Ohio by the opioid epidemic. Dr. Margolin is a highly-trained physician specializing in pain management and addiction treatment. CareSource beneficiaries residing in the communities he serves would greatly benefit from Dr. Margolin being credentialed with CareSource.

As you are aware, CPMI and CareSource have a prior history. In 2016, CareSource initiated an audit of CPMI's use of Nerve Conductive Studies ("NCS") without Electromyography. CareSource's audit was based on a statistical sample of thirty (30) CPMI patients. CareSource wrongly used a statistical sample that did not comply with Medicare/Medicaid requirements. However, upon completing its audit, CareSource extrapolated its findings to apply to CPMI's entire patient population. In November 2017, without any prior notice, CareSource began recouping for NCS services billed by CPMI. To date, CareSource has recouped more than \$75k from CPMI under this audit. CPMI submitted its appeal in compliance with CareSource's requirements, yet CareSource failed to respond to the appeal for over four (4) years. Notably, in June 2016, CareSource initiated a similar recoupment without notice. CareSource recouped approximately \$40k in 2016 for services and supplies CPMI provided to its patients. However, CareSource's 2016 recoupment was later determined to be inappropriate and CareSource was required to refund the money it recouped.

Prior to the 2016 audit, CPMI filed several business integrity complaints against CareSource, including complaints regarding its quality of care, habitual neglect, and continuous failure to perform its obligated duties. CPMI believed CareSource's policies endangered thousands of its members by placing them at increased risk of morbidity and mortality. At the time CPMI issued these complaints, CareSource was subject to a five (5) year Corporate Integrity Agreement with the OIG due to a settlement agreement for false claims allegations. The DOJ determinations mirror many of the complaints filed by Dr. Margolin/CPMI (*e.g.*, complaints regarding neglect and failure to perform obligated duties).

In 2019, CPMI notified CareSource that it violated Healthcare Effectiveness Data and Information Set ("HEDIS") and Dept. of Healthcare and Human Services ("HHS") opioid treatment-related guidelines (*i.e.*, HHS' 5-Point Strategy to Combat the Opioid Crisis). As evidence of such violations, CPMI forwarded more than one-hundred patient complaints to CareSource. CPMI also informed CareSource that it had obtained multiple expert reviews from independent pain management experts, which indicated that CareSource's actions placed hundreds of vulnerable beneficiaries at risk.

An objective reviewer could certainly construe CareSource's previous history and delay tactics as retaliatory. Such a determination is only reinforced by the fact that Ohio and the communities that Dr. Margolin serves are greatly suffering from opioid addiction. It is in the best interest of CareSource's beneficiaries that Dr. Margolin's onboarding application be processed as soon as possible.

Upon receiving this letter, please contact me immediately to discuss the timely and appropriate processing of Dr. Margolin's onboarding application.

Very truly yours,

THE HEALTH LAW PARTNERS, P.C.



Adrienne Dresevic

cc: Leon Margolin, M.D.
4874-4318-7492, v. 1