



April 9, 2025

Ohio Value Voters  
1916 Savannah Prkway  
Westlake, OH 44145

**Re: DOJ and Medical Insurance Plans Position of the SBIRT and other  
Pain Medicine Services/Dr. Leon Margolin's Practice**

To Whom It May Concern:

I am Of Counsel to the Law Firm of O'Connell and Aronowitz since 2011 and am a member of the Health and Criminal Law Practice Groups in the Albany, New York office. I defend Medicaid and other health care providers in the state and federal courts in every stage of criminal and regulatory investigations and prosecutions. I was asked by Ohio NGO (Ohio Value Voters) to review DOJ and medical insurance plans position of the SBIRT and other Pain Medicine services/ Dr. Leon Margolin's practice. I have not requested nor have I been paid for rendering my opinion by Ohio Value Voters. I have no political, financial, religious or social connections to the Ohio Value Voters organization.

Prior to entering private practice, I was a prosecutor for the New York State Attorney General's Medicaid Fraud Unit ("MFCU") for 27 years and was the Regional Director for the last 10 years of state service, ending in 2011. During my tenure with the New York MFCU, I investigated and prosecuted hundreds of Medicaid fraud cases.

In 1989, I received the MFCU's special achievement award for prosecuting the largest theft by a single Medicaid provider in United States history. In 2001, I received the Louis J. Lefkowitz Award for the successful prosecution of an adult daycare center for larceny that was the largest theft by a single Medicaid provider in United States history. In 2008, I received the Attorney General's special achievement award for a comprehensive investigation of the home care industry, which resulted in over 100 criminal convictions, millions of dollars in restitution, and systematic changes in the home care industry.

Between August 1992 and September 1993, I was appointed as a Special Assistant to the United States Attorney for the Southern District of New York to assist

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1925-1939  
SAMUEL E. ARONOWITZ  
1925-1973  
LEON ARONOWITZ  
1941-1969  
LEWIS A. ARONOWITZ  
1951-1979

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**IN MEMORIAM:**  
ROBERT J. KOSHGARIAN  
2015-2025

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ANNA R. MYERS NORTON  
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RYAN A. FORBES  
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on Medicaid fraud prosecutions. I have lectured at health care fraud training seminars conducted by the United States Department of Justice, the FBI, and the National Association of Medicaid Fraud Control Units. Between 1999 and 2004, I was an adjunct professor at John J. College of Criminal Justice and St. John's University, teaching criminal law and evidence.

I have reviewed Ohio Value Voters petition to the DOJ, endorsement from Dr. Lynn Webster, former President of the American Academy of Pain Medicine, Dr. William Vasilakis, former Director of Drug and Alcohol services, Fairfield County, Ohio; Expert opinions of Professor Kimura and Professor Winapel, peer reviewed publication by Dr. Margolin and Dr. Stroom, Director of Drug and Alcohol services at the Cleveland Clinic (Lutheran Division); Review and endorsement of Dr. Margolin's practice by the American Board of Physical Medicine and Rehabilitation; Awards and accolades received by Dr. Margolin and CPMI (Ohio Top Doctor Awards (2025 and 2021), Certificate of Excellence (2023), Top Pain Management Specialist and others); **Dr. Margolin's study on the misguided insurance policies**; Additional documents and exhibits included in the White paper and the Addendum to the White Paper (please find the links below):

<https://cpmiohio.com/wp-content/uploads/2024/03/White-Paper-SBIRT.pdf>

<https://cpmiohio.com/wp-content/uploads/2025/04/Final-1-PDF-Addendum-to-the-White-Paper-2.pdf>

It is abundantly clear from the multiple expert opinions, peer reviewed publications and the professional guidelines that Dr. Margolin's program including the SBIRT, neurodiagnostic services and other CPMI services are evidence based, early interventions that physicians use to address the risk of substance abuse, overdose and death with patients receiving treatment with opioids. Cessation of the SBIRT or separation of Dr. Margolin from his patients may result in a **public safety issue**. Given the modern-day tragedy of the opioid epidemic, SBIRT testing has become a mandatory protocol in the pain management field. These services are required by the state and federal law and best practices in pain medicine. The American Board of PM&R reviewed more than 150 charts including all the charts reviewed by the DOJ and approved Dr. Margolin's treatments, billing codes and practices.

During the course of my career, I have seen numerous instances when insurance reimbursement is at odds with accepted medical protocols. The financial tension between insurance company coverage and accepted medical protocols results in deficiencies in patient care due to a failure of insurance coverage. In time, as medical advances become mainstream, insurance coverage will follow. In the interim, lives are lost, and more expenses are incurred by the health

care system because of the failure to utilize all available treatments. Public safety takes a back seat for the profits of insurance companies.

In 2008, the MFCU in New York prosecuted individuals for felonies for billing Medicaid for the care of immediate family members. Subsequently, New York established the Consumer-Directed Personal Assistance Program (CDPAP, Social Service Law 365-f), which allowed people to care for immediate family members and get reimbursed by Medicaid. Regardless of the new avenues for fraud opened by the CDPAP program, what was once illegal is now legal.

In 2015, I represented an owner of a drug treatment center who had been charged with paying kickbacks to patients by providing apartments or "sober homes" for them to live in during their drug treatment (People v. Alan Brand, Indictment # 0783, Bronx County). These "sober homes" proved to be beneficial for the patients because they now had a place to live away from the environment on the streets that encouraged their drug use. Over time, the use of "sober homes" made sense in the battle against drug addiction, and their use was encouraged and made reimbursable by Medicaid. Once again, a practice investigated and prosecuted by the government became an accepted practice in drug treatment.

If there is further information you require, please do not hesitate to call.

Very truly yours,

O'CONNELL AND ARONOWITZ, P.C.

By: 

Richard S. Harrow

RSH/rd