

Evidence of racist OH DOJ policies towards minority patients and providers (see attached)

Dear Mr. DeVillers,

We are a group of about 100 patients who would like to draw your attention to the issue of racial bias and disparities that result in denial of essential services to vulnerable (mostly minority) patients.

I would like to bring to your attention the attached peer reviewed journal publication by Dr. Leon Margolin and Dr. David Streem (Chief of Psychiatry and Medical Director of the Alcohol and Drug Recovery Center (Lutheran Hospital Division), Cleveland Clinic Foundation):

https://www.gavinpublishers.com/assets/articles_pdf/1595045423article_pdf1130015263.pdf

The publication reviews Dr. Margolin's treatment and screening protocols including the nerve conduction testing and screening and brief interventions including the same charts and patient examples allegedly reviewed by your department (a total of 155 charts over 2 year period) with the clear conclusion of the full compliance and significant effectiveness of these treatments. Denial of such services exposes a vulnerable patient population to a significant risk which has become significantly worse during the COVID-19 pandemic (as per the AMA July 8, 2020 brief quoted in the article).

This article raises a justified concern about retaliation by the Medicaid HMOs (especially Caresource) to exposure of such denials. These concerns regarding Caresource were raised by several US senators (Figure 7 in the attached article). This study was presented at the CWRU, Ohio Opioid task force (presentations available online) and endorsed by a wide array of the top state and national experts in the field including:

Professor Stanley Wainepal MD, Professor and Clinical Director, Department of Rehabilitation Medicine, Montefiore Medical Center, Albert Einstein College of Medicine, NY.

Professor Jun Kimura MD, Professor of Neurology, University of Iowa; Kyoto University; Distinguished Researcher Award by the American Association of Neuromuscular & Electro diagnostic Medicine; Author of a major textbook recommended by the AANEM and ABPMR; Lecturer in the AANEM NCV and EMG courses; Author of more than 500 publications in the field / 25 professional honorary society membership all around the world.

Expert panel of the American Board of Physical Medicine and Rehabilitation (ABPMR).

Roneet Lev MD, Chief Medical Office, White House Office of National Drug Control Policy/Executive Office of The President.

Sabaitu I. Mansarai a Senior Executive Service (SES) with the Office of National Drug Control Policy where she is the Assistant Director for Public Health, Education and Treatment Task Force in support of combating the opioid crisis.

Ohio Opioid Task Force, Cuyahoga County Board of Health.

Case Western Reserve University continuous education program expert panel.

This data was also reviewed and approved by the **American Board of Physical Medicine and Rehabilitation**.

Please kindly share with us any expert opinions that lead your department to label these services as improper and unallowed services (see attached) or comment on whether Medicare integrity manual was upheld by your department.

Please comment on the legal basis by non physicians making such a dangerous clinical decision and forcing physician and other clinical staff to comply and practice Medicine based on this decision (that all SBIRT codes are unallowed service for all the current and future patients).

To our amazement we learned from public sources that DOJ and Ohio Attorney General under your guidance has authorized denial of such screening and brief intervention services and prohibited them in the future exposing several hundred vulnerable (mostly minority) patients, to a significant risk(see documents attached):

<https://www.justice.gov/opa/pr/columbus-pain-clinic-and-owner-agree-pay-650000-resolve-allegations-unnecessary-procedures>

It is our concern that no expert review or any other steps required by the Medicare Integrity Manual were performed, the officials involved in this decision were aware that they are acting on the false and retaliatory data provided by the Caresource HMO. The individuals directly involved in this decision are: CHRISTOPHER G. WILSON, MARK T. D'ALESSANDRO, ANDREW M. MALEK, LISA M RE (see attached).

These individuals were provided with the expert opinions, statistical data about all the charts and the detailed review and analysis by the national academy and a written patient safety warning attached.

Therefore we cannot help but to conclude that this exorbitant sum of money was leveraged based on the racist bias and unjustified financial objectives putting patients and staff at a significant risk.

Please comment on why no proper steps were taken to assess this credible warning and whether this was related to the minority status of the medical staff and us (the patients) at risk. We want to know on whether your staff made threats of bad faith charges, or Medicare privileges suspension in retaliation to the submitted good faith patient safety concerns. Please see this letter as formal grievance against all the lawyers involved.

As evident from the court documents (Case 2020 CR B 001416) shortly after this warning, one of the high risk patients that you have denied screening, assaulted and injured Dr. Margolin and 2 other female members of his team because of the lack of screening and proper funds for the office security (please see the picture obtained from the public presentation attached). In

addition, at least 9 patients and one staff member contracted COVID-19. The office sustained significant property damage (office furniture and staff cars damaged, office building transformer destroyed etc.) The court documents show that the damaged could have been avoided if not for the unjustified recoupment by your department that left the office without proper funds for staff and patient security and protective equipment.

In addition, several hundred vulnerable patients are exposed to a very significant risk. On a large scale these inappropriate policies expose thousands of Ohions to a very significant risk and require immediate attention. Please review the May 2020 warning of the Medical Examiner in the attached article and other documents.

We are aware that during the current crisis you were notified in writing that:

“Maintaining adequate staffing has been another ongoing concern for CPMI [Dr. Margolin’s practice]. Its employees are risking their health and safety to treat vulnerable patients and scrambling to locate and pay for safety equipment. Until recently, CPMI had no access to testing and was forced to operate at reduced capacity. **Multiple staff members, including Dr. Margolin, were quarantined after potential exposure to COVID-19 or from COVID-19-like symptoms.** CPMI received reports about several patients with clinical symptoms of COVID 19. Last week, CPMI patients were confirmed to have the virus. CPMI cut physician and nurse practitioner salaries to avoid layoffs. **Many CPMI employees are struggling to pay for food and child care with schools operating remotely. [see staff letters attached]**

As of April 22, 2020, he[Dr. Margolin] and his wife had received only six weeks of pay for the entire year, out of sixteen weeks total. He has a mortgage on his only residence in Beachwood, Ohio, and he supports his wife and four children, as well as his wife’s parents, who have been forced to shelter with his family during the pandemic and are at high-risk of COVID-19 infection due to pre-existing medical conditions.

CPMI recently applied for and is receiving loan from the SBA’s Paycheck Protection Program to cover payroll expenses for the next eight weeks, and receivedthe Cares Act for COVID-19-related expenses, due to its treatment of vulnerable populations. Forcing CPMI to make the final payment under the Settlement Agreement this month will completely negate the benefits of the SBA loan and Cares Act assistance, likely forcing CPMI to lay off staff and/or shut down operations entirely, putting employees out of work and hundreds of patients at further risk.”

Despite this credible warning supported by financial documents, your department is still enforcing this racist recoupment in an inhumane cruel manner putting patients and staff at a very significant risk... On August 4th, 2020 American Medical Association requested immediate action to support the treatments like provided by Dr. Margolin and his team in fighting the recent increase in upload deaths (Ohio is marked as an area with a sharp increase in opioid deaths):

“Policymakers need to act to remove barriers to evidence-based care for patients with pain and those with a substance use disorder or the epidemic will continue to worsen.” (AMA report below page 4):

<https://www.ama-assn.org/system/files/2020-07/opioid-task-force-progress-report.pdf>

The SBIRT and other services marked as “unallowed” by your department are recommended by the WHO, HHS, SAMSHA, Society for the Study of Addiction (for example):

<https://onlinelibrary.wiley.com/doi/epdf/10.1111/add.13676>

We request immediate cessation of such denials and recoupment, independent review and investigation of this issue by independent experts from state or national agencies (such as CCF, CRWU, SAMSHA, ONDC). We are deeply concerned about possible past retaliation practices by your department described in this letter and would appreciate your written commitment to non retaliation for this good faith concern to all parties involved as required by law.

We are familiar with Dr. Margolin’s practice for years. Besides being minorities, Dr. Margolin’s team’s only “crime” was saving over the last 10 years close to 2000 mostly minority patients and referring them to addiction treatment using the scientifically validated screening and brief intervention methods and testing validated by the best experts in the field. The attached publication and the expert opinions prove beyond a reasonable doubt the medical necessity and the cost effectiveness of his approach that over the years saved thousands of dollars to Medicare and other payers. His practice has been consistently ranked as “the Best in Columbus”, “Top Ten Pain medicine”, “Patient Choice” and “Most Compassionate Doctor” awards.

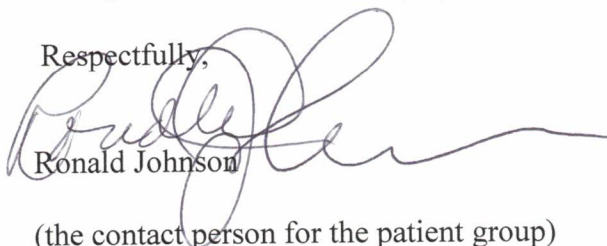
<https://threebestrated.com/pain-management-doctors-in-columbus-oh>

The current crisis showed how Dr. Margolin’s team selflessly risked their health and the health of their families to save vulnerable patients while your department seems to be motivated by inappropriate financial objectives and shameful racial bias.

We humbly require your immediate attention to this issue (please respond within 10 business days). We are considering appropriate legal steps such as civil right investigation, media involvement and peaceful protests.

It’s about the health and safety of our communities and racial justice. It would be a grave mistake to think it can be ignored with a shallow “thank you for your concern letter” or shoved under the rug....

Respectfully,



Ronald Johnson

(the contact person for the patient group)