

# New York Anesthesiologist Brings Fraud Cases Against Sutter Hospitals, Payors

By Rachel Fields | June 06, 2011

New York anesthesiologist Berton Forman, MD, and his lawyers allege that several New York and California hospitals have been dramatically overcharging patients for anesthesia services, according to an *Anesthesiology News* report.

Dr. Forman could make millions of dollars as a whistleblower if he wins the suits, according to the report. The two cases involve Sutter Hospitals and two PPOs, MultiPlan and Private Healthcare Systems, and Guardian Life Insurance of New York.

Dr. Forman, through his company Rockville Recovery Associates Limited, has accused Sutter Hospitals, a 24-hospital chain in California, of allegedly submitting fraudulent anesthesia bills to insurers. In April, California's insurance commissioner, Dave Jones, agreed with Dr. Forman's assessment and joined Rockville in the whistleblower case. The suit alleges that Sutter billed payors for anesthesia services when no anesthesiologist was present and that the hospital system's anesthesia charges often significantly exceeded the appropriate charges for a procedure.

Dr. Forman and his lawyers have also accused MultiPlan and Private Healthcare Systems of taking part in the scheme. The suit alleges that the two payors assisted Sutter in double billing for costs captured in the anesthesiologist's bill or in other revenue codes.

Dr. Forman is also suing Guardian Life Insurance for breach of contract and other alleged violations of their work agreement, saying he presented the payor with \$46 million in overcharges after going through six years of claims with a self-invented software program he says can detect billing fraud. The insurer refused to pursue the cases.

Dr. Forman and Rockville are asking for \$12 million in damages, legal fees and punitive damages in the Guardian case. Guardian has reportedly filed a motion for summary judgment in the case, which the court is scheduled to hear on June 1.

Read the *Anesthesiology News* report on [Dr. Berton Forman](#).

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