



THE UNITED STATES ATTORNEY'S OFFICE  
NORTHERN DISTRICT *of* GEORGIA

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**Department of Justice**

U.S. Attorney's Office

Northern District of Georgia

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## **Pain Management Physician Resolves False Claims Act Allegations**

ATLANTA – Pain management physician Dr. Robert Windsor has agreed to the entry of a \$20 million consent judgment to resolve allegations that he violated the False Claims Act by billing federal health care programs for surgical monitoring services that he did not perform and for medically unnecessary diagnostic tests. Dr. Windsor owned pain management clinics in Georgia and Kentucky that operated under the umbrella of National Pain Care, Inc.

“Windsor placed patients at risk by claiming that he was monitoring the neurological health of patients during surgery when he actually had an unqualified medical assistant do the work,” said U.S. Attorney John Horn. “Windsor unfortunately put his own interests above the health and safety of his patients.”

“Dr. Windsor placed personal gain above all else in his medical practice,” said Carlton B. Shier, Acting U.S. Attorney for the Eastern District of Kentucky. “In doing so, he put his patients at risk, and defrauded the United States. We will use every tool at our disposal to protect vital healthcare programs from those who seek unearned profit at the taxpayers’ expense.”

“Providing medically unnecessary services to a vulnerable population, such as Medicare beneficiaries, places patients at risk and jeopardizes millions of taxpayer dollars,” said Derrick Jackson, Special Agent in Charge of the U.S. Department of Health & Human Services, Office of Inspector General. “HHS-OIG is committed to safeguarding the federal health care programs and the patients receiving medical services. Today’s settlement should send a message to others who profit from schemes abusing patient safety that we will pursue justice for our beneficiaries and the programs.”

“The announced monetary settlement involving Dr. Robert Windsor is a direct result of several years of hard work by federal agents and prosecutors as they pursued and enforced rampant violations of the federal False Claims Act. The FBI continues to play a key role in identifying, investigating, and presenting for prosecution individuals such as Dr. Windsor who target and

negatively impact our federal health care programs,” said David J. LeValley, Special Agent in Charge, FBI Atlanta Field Office.

“This settlement highlights the commitment of the Defense Criminal Investigative Service (DCIS) and its law enforcement partners to protect the integrity of the Department of Defense (DoD) health care program,” said Special Agent in Charge John F. Khin, Southeast Field Office. “DCIS aggressively investigates health care providers that defraud the DoD, to preserve American taxpayer dollars intended to care for our Warfighters, their family members, and military retirees.”

“The Georgia Department of Law will continue to work with our federal and local partners to pursue resolutions against those who threaten the medical care of Georgia citizens and misuse taxpayer dollars,” said Chris Carr, Attorney General for the State of Georgia.

The government alleges that Dr. Windsor engaged in two schemes. First, the government alleges that Dr. Windsor caused the submission of false claims to Medicare, TRICARE, and FEHBP for the online, real time intraoperative monitoring of surgeries that Dr. Windsor did not personally monitor, that were not monitored by a physician, and that Dr. Windsor falsely represented had been monitored by him during the period from January 1, 2008 through July 22, 2013. On October 24, 2016, Dr. Windsor was sentenced to three years, two months in federal prison and three years of supervised release in connection with this conduct.

The government also alleges that Dr. Windsor submitted or caused the submission of false claims to Medicare, the Georgia and Kentucky Medicaid programs, TRICARE, and FEHBP for medically unnecessary balance tests, nerve conduction and electromyography procedures, and qualitative drug screens performed in Georgia and Kentucky during the period from January 1, 2010 through June 30, 2014.

In order to satisfy the \$20 million consent judgment, Dr. Windsor will sell all but one of his residential and commercial properties and pay the net sale proceeds to the government. Dr. Windsor will also sell certain other assets, including two boats and four jet skis, and pay the net sale proceeds to the government.

The settlement resolves two lawsuits filed by three whistleblowers, Kris Frankenberg, Stephanie Herder, and Bradley Davis, under the *qui tam* provisions of the False Claims Act. Under the Act, private citizens can bring suit on behalf of the government for false claims and share in any recovery. lawsuits resolved are captioned *United States ex rel. Frankenberg v. Windsor et al.*, No. 1:12-cv-3114 (N.D. Ga.), and *United States ex rel. Herder et al. v. National Pain Care, Inc., et al.*, No. 14-cv-00221 (E.D. Ky.).

This settlement illustrates the government’s emphasis on combating health care fraud and marks another achievement for the Health Care Fraud Prevention and Enforcement Action Team (HEAT) initiative, which was announced in May 2009 by the Attorney General and the Secretary of Health and Human Services. The partnership between the two departments has focused efforts to reduce and prevent Medicare and Medicaid financial fraud through enhanced cooperation. One of the most powerful tools in this effort is the False Claims Act. Since January 2009, the Justice Department has recovered a total of more than \$31.4 billion through False Claims Act cases, with more than \$19.6 billion of that amount recovered in cases involving fraud against federal health care programs.

This case was investigated by the U.S. Attorney's Office for the Northern District of Georgia, the U.S. Attorney's Office for the Eastern District of Kentucky, the U.S. Department of Health & Human Services Office of Inspector General, the Federal Bureau of Investigation, and the Defense Criminal Investigative Service.

The civil settlement was reached by Assistant United States Attorneys Lena Amanti (Northern District of Georgia) and Paul McCaffrey (Eastern District of Kentucky).

For further information please contact the U.S. Attorney's Public Affairs Office at [USAGAN.PressEmails@usdoj.gov](mailto:USAGAN.PressEmails@usdoj.gov) or (404) 581-6016. The Internet address for the U.S. Attorney's Office for the Northern District of Georgia is <http://www.justice.gov/usao-ndga>.

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**Topic(s):**

Health Care Fraud

**Component(s):**

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