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In light of increased governmental investigations into the healthcare industry, attorney **Richard Q. Hark** fights to protect the livelihoods of medical professionals caught in the crosshairs. page 36



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In light of increased governmental investigations into the healthcare industry, attorney **Richard Q. Hark** fights to protect the livelihoods of medical professionals caught in the crosshairs.

by **MATT COSENTINO**
photos by **ALISON DUNLAP**

The healthcare industry continues to recover

from the trials and tribulations associated with the COVID-19 pandemic. As the industry attempts to focus on what it does best—preventative care, the treatment of illness and disease, and improving patients' quality of life—another challenge has risen to the forefront for doctors, nurses, pharmacists, and other health providers.

With increasing ferocity, utilizing state-of-the-art artificial intelligence (AI) and database search technological tools, federal and state governments have ramped up investigations and prosecutions of doctors engaging in healthcare-related fraud in the form of public and private insurance theft and billing for unnecessary medical treatment. These investigations and prosecutions place “unbearable pressure on healthcare providers, whether they are a small, medium, or large practice,” according to attorney Richard Q. Hark.

“The opioid crisis predated the pandemic,” he says. “This heightened enforcement environment has been around for many years. The government’s opioid crackdown originally zeroed in on illicit narcotics then moved to concentrate on major manufacturers and large pharmaceutical distrib-

utors of pain medication.”

Enforcement now centers on medical practitioners. Richard says the government’s investigation strategy focuses on small, independent pharmacies and pain-management healthcare practices. Richard believes zealous prosecutors are looking to make a name for themselves with “trophy” cases that involve a doctor, pharmacist, physician assistant, or nurse practitioner going to jail.

“There are many patients who medically require pain medication,” he says. “Healthcare providers need to be compliant with all DEA regulations. We focus on ensuring practitioners and their staff are up to date on the best practices for complying with federal and state DEA and public and private insurance regulations regarding medical evaluations, medical records retention, and prescribing or dispensing pain-management medications.”

Every practitioner needs to be aware that the government is “sending fake patients into medical practices and pharmacies to determine if the healthcare provider will write or fill a prescription without medical records or for which there is no medical necessity,” Richard adds. “We are up to date on the current landscape of federal and state

laws and court cases discussing the appropriateness of these investigations, the extent of these investigations, and how to defend these investigations.”

Fortunately for individual practitioners, healthcare practices, and pharmacies in Pennsylvania and New Jersey, Richard devotes his Philadelphia law firm, Hark & Hark, to defending medical professionals facing criminal charges stemming from these investigations or practitioners’ personal/private conduct, and the ensuing jeopardy to their licenses. (Editor’s note: That practice area was the subject of an article about Hark & Hark in the December 2020 issue of *Suburban Life*.)

The current grand jury investigation landscape has led Richard to expand his offerings and give aid to healthcare professionals bombarded with state or federal grand jury inquiries, many of which are unwarranted.

Richard says state and federal investigators from the Office of Inspector General, the Drug Enforcement Agency, and the Federal Bureau of Investigation use AI and search algorithms to comb through government databases to identify high writers of narcotics and unique medical billing

schemes. AI is used to search DEA prescribers and Medicare/Medicaid billing databases to root out billing fraud.

Having handled federal criminal cases for 25 years, Richard has shifted his practice to uniquely focus on prosecutions questioning healthcare professionals' medical care, prescription writing, and insurance billing. Targeted healthcare providers require his experienced counsel to guide them through the process.

"We are a boutique law firm with extensive experience dealing with government investigations of private healthcare practices and individual practitioners, from the initial grand jury document subpoena, to personal court appearances, to defending the practitioner against state and federal criminal in-

dictments," he adds. "I routinely deal with initial document subpoenas, subsequent federal and state grand jury witness subpoenas, and potential criminal charges questioning the medical necessity of healthcare treatment. We have the background to manage and respond to these cases.

"Early and aggressive investigation, and management of in-office pain-management practices and policies should be undertaken to forestall or eliminate federal or state investigations into your healthcare practice," he continues. "If someone is criminally charged or targeted by a grand jury investigation, we provide clear, competent, and expansive legal counsel to the complex

medical practitioner."

Richard also manages hospital credentialing inquiries and attempted DEA prescription-writing authority restrictions that sometimes follow from OIG, FBI, and DEA prescription-writing investigations.

His litigation and regulatory compliance practice complements his specialty of assisting healthcare practitioners to secure, defend, or manage reinstatement of their suspended or revoked licenses. He continues to serve individuals investigated for licensing disputes ranging from violating telemedicine or medical marijuana regulations, to disciplinary actions for the scope of practice infractions. Richard represents doctors and nurses criminally charged with DUI, theft, or sex-related offenses, and the ensuing collateral consequence on their healthcare license. He counsels nurses, pharmacists, and doctors on preparing for and attending board-ordered impairment evaluations stemming from a variety of criminal or workplace investigations.



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—RICHARD Q. HARK

No matter what kind of problem the client is facing, Richard brings the knowledge and skills he has developed in 30 years as an attorney, including the last 27 at his own firm, to every case, court filing, and appellate argument. He takes the responsibility of fighting for clients' livelihood seriously, and possesses a competitive spirit others would find difficult to match.

Richard's firm recently moved to One Liberty Place in downtown Philadelphia. Coming from a family of medical professionals, he is eager to go to bat for those in the healthcare industry, just as he's done throughout his career—especially in the current landscape. He hopes to allow doctors, nurses, and pharmacists to concentrate on their passion by easing the burden associated with their legal issues. ■



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