

## FIRST KYPHOPLASTY, NOW DOJ TURNS ITS ATTENTION TO OTHER “MINIMALLY INVASIVE” PROCEDURES

On April 4, 2011, the Department of Justice ("DOJ") announced another settlement in the national false claims investigation into the medical necessity of inpatient, one-day stay kyphoplasty procedures. However, this \$1.9 million settlement between the government and Rex Healthcare in Raleigh, North Carolina, is different from the more than two dozen settlements that have preceded this settlement. This settlement includes not only kyphoplasty claims, but it also includes a variety of other minimally invasive procedures that the government alleges should have been performed on an outpatient basis. At this time, the details as to the other minimally invasive procedures included in the settlement have not been released.