



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL

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MAURA HEALEY  
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April 29, 2015

**BY HAND**

Dr. Bharani Padmanabhan  
30 Gardner Rd., Apt 6A  
Brookline, MA 02451

**NOTICE TO PRESERVE RELEVANT EVIDENCE, DOCUMENTS, AND DATA**

**NOTICE OF OFFICIAL REQUEST FOR IMMEDIATE ACCESS OR  
DOCUMENTS**

Dear Keeper of the Records:

The Massachusetts Office of the Attorney General, Medicaid Fraud Division (MFD), is investigating allegations of violations of the rules and regulations governing the conduct of certain providers and recipients of Medicaid benefits.

Pursuant to Section 42 U.S.C. 1396b (q) of the Social Security Act, this office is vested with the responsibility for the investigation and prosecution of all applicable state laws regarding any aspect of fraud in connection with provision of medical assistance, and for reviewing and acting upon all complaints regarding abuse, mistreatment or neglect of patients of health care facilities that receive payments under public medical assistance programs. This administrative demand for documentation is separate and distinct from any other request from a state or federal agency that may involve the same allegations and incidents.

**Notice to Preserve Relevant Evidence, Documents, and Data**

This letter serves as notice to preserve all documents, records, and data, in whatever format they are regularly maintained, that may be relevant to this request for production of documents, as specified herein below. It is advisable to inform employees not to destroy or alter potentially relevant documents or data in the normal course of work.

**Administrative Request to Furnish Documentation**

State and Federal law requires Medicaid providers to furnish any information in its possession to a requesting Medicaid Fraud Control Unit (MFCU) for its health oversight activities. (See 130 CMR 450.205, 42 CFR 431.107.)

This notice, which is being issued for records by an agent of the Massachusetts Office of the Attorney General, Medicaid Fraud Division Unit, is to inform you that **we are hereby making a request for "immediate access" to the records specified below**, as defined by federal regulations 42 CFR 1001.1301, and to review and copy these documents and records whether stored on paper, on magnetic media such as tape, cassette, disk, diskette or any memory storage devices such as computers, optical disks, or in any other storage media.

Under these regulations, a request for immediate access means a written request for documents signed by an authorized official of the Medicaid Fraud Division during reasonable business hours, where there is information to suggest a violation of the statutory or regulatory requirements under Titles V, XI, XVIII, XIX, or XX of the Social Security Act has occurred.

Immediate access includes making available for inspection and/or furnishing copies of the requested records upon reasonable request **at the time of the request** or to provide a compelling reason why such records cannot be produced **within 24 hours of such request**. The compelling reason must be provided to and received by the Medicaid Fraud Control Unit at the address shown below within 24 hours of the request.

If one or more of the requested documents is not available, such information should be provided with the inventory list of produced documents, along with the reason for its unavailability, and if appropriate, information as to its present location and when it would be available.

Failure to comply with these regulations could lead to exclusion as a provider to a state health care program by the Office of Inspector General of the United States Department of Health and Human Services. (See 42 CFR 1001.1201). The Massachusetts Medicaid Program, MassHealth, may also recover any payments made for services for which a provider does not produce required records. 130 C.M.R. § 450.205(H), and seek other sanctions, including administrative fines and suspension or termination from participation in MassHealth, 130 CMR § 450.238.

MFCU is a health oversight agency pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPAA) privacy rules. Covered entities are authorized by HIPAA to disclose protected health information to the MFCU in the course of its health oversight activities without notice to or consent of the individual patient or resident. (See 45 CFR 164.501 and 45 CFR 164.512 (a) and (d).) Furthermore, as a public official, I certify that the records being requested, which may contain protected health information, are the minimum necessary for the purpose of this inquiry. (See 45 CFR 164.514 (d) (3) (iii) (A).)

Standard of Production

Requested documents must adhere to the following standard of production. They must be identifiable or labeled and segregated per the numbered requests below. Unless a requested record or document is clearly identifiable, such as a Logbook or Policy Manual, the class of documents should be placed in folders and the folder labeled according to the requested item, e.g., "Job Descriptions" or "Medical Records of [name]," etc. Requested items that require you to create a document, e.g. a list of residents or payments, should be titled at the top of the first page per the request below and dated. Requested items that are maintained or stored in electronic or digital format must also be produced.

Applicable Date Range and Documents and Records Requested

*SEE ATTACHMENT "A"*

If you have any questions, please do not hesitate to contact me at the number below.

Sincerely,



Chris Cecchini  
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Medicaid Fraud Division  
Office of the Attorney General  
One Ashburton Place, 18<sup>th</sup> Floor  
Boston, MA 02108  
Tel: (617) 963-2236  
Fax: (617) 727-2008

## Attachment "A"

*Complete, page-by-page copies of the medical record (written and electronic) for each of the following MassHealth members*

First Name	Last Name	DOB	MA Health ID #