

Jan 2002

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
D E P A R T M E N T O F H E A L T H



*Safe and Healthy Lives in Safe and Healthy Communities*

**BOARD OF EXAMINERS OF CHIROPRACTIC PHYSICIANS**

In the matter of:  
Andrew Lombardi, DC  
License # DC00319

**Consent Order**

This matter was before the Rhode Island Department of Health, Division of Professional Regulation, Board of Chiropractic Physician Examiners (hereinafter "Board") upon allegation that Andrew Lombardi (hereinafter "Respondent") engaged in unprofessional conduct in the practice of the chiropractic medicine for fraudulent patient billing practices and a conviction of a felony for filing false income tax returns. This Consent Order constitutes a final disposition of the matters forming the basis for this Order and obviates the necessity of an administrative hearing.

**Findings and Order**

1. *Patient R S* was billed for three treatments on 9/20/95 and one treatment on 9/22/95. These professional services were not rendered by the Respondent.
2. *KM and PM* were patients of the Respondent. They were also parents of *SM* and *JM*, two minor children. The Respondent obtained information about the children from the parents and then billed insurance companies for professional services for the children. The Respondent fraudulently billed for services not rendered as follows:

Records of treatment for *JM* indicates four chiropractic treatments on 10/5/93 and one treatment on each of these dates: 10/7/93, 10/8/93, 10/19/93, 10/22/93, 10/25/93, 10/28/93, 11/10/93, 11/12/93, 11/18/93 and 11/24/93.

*SM* was billed for services between Oct. 8, 1993 and Nov. 16, 1993. Documented billing for professional services indicates: Five procedures were billed on 10/8/93, one treatment on each of these dates: 10/14/93, 10/26/93, 11/1/93, 11/2/93, 11/8/93, 11/15/93 and 11/16/93. None of these procedures or treatments occurred.

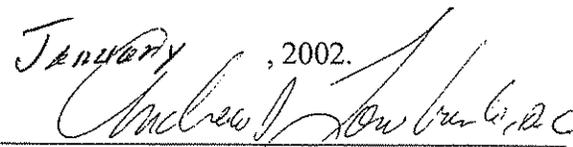
3. *TW* was a patient of the Respondent and also the parent of *BW*, a minor. *BW* received one treatment from the Respondent and had a radiological study done that same day in the Respondent's office. The Respondent billed a third party insurance company fraudulently on the following dates: Two treatments on 10/26/94 and one treatment on 11/2/94, 11/3/94 and 11/7/94.
4. *TRL* was a patient of the Respondent and is the parent of *TL*, a two-year old minor. The Respondent billed an insurance company for chiropractic treatments which were not rendered to *TL* as follows: 6/11/93, 6/15/93, 6/23/93, 7/3/93, 7/7/93, 9/13/93, 9/7/93, 9/10/93, 9/13/93 and 9/18/93.
5. *JI* was a patient of the Respondent and the parent of *PI*, a minor. The Respondent billed an insurance company for treatments which were not rendered on the following dates: 12/27/94, 12/28/94 and 12/30/94.
6. *GD* was a patient and the parent of *SD*, a minor. Both were patients. The Respondent billed an insurance company for services for *SD* which were not rendered.
7. *VL, Jr.* was the parent of *VL, III* and *BL*. *VL, Jr.* and *VL III* were patients. The Respondent billed for three months worth of treatment for *VL III* and some of these treatments were not rendered. The Respondent billed an insurance company for chiropractic treatments for *BL*, his daughter, when *BL* was never treated by the Respondent.
8. *AL* was the parent of *KL* and *JL*. All three were patients for the Respondent. The Respondent billed an insurance company for chiropractic treatments for *KL* and *JL* which were not rendered.
9. *Mrs. KK* is the parent of *KK*. Both were patients of the Respondent. The Respondent billed an insurance company for 30 chiropractic treatments each when *Mrs. KK* was treated 4-5 times and her daughter *KK* was treated twice.
10. *BJ* was a patient of the Respondent who was being treated by the Respondent for a non-accident related injury. The Respondent billed two separate insurance companies for over 30 chiropractic treatments rendered on the same dates. One company was billed as an automobile accident and the other was billed for non-accident related treatments.

**The parties agree as follows:**

The Respondent is a chiropractic physician licensed and doing business under and by virtue of the Laws of the State of Rhode Island, license No. DC00319

- (1) Respondent admits to the jurisdiction of the Department and hereby agrees to remain under the jurisdiction of the Department.
- (2) Respondent has read this Consent Order and understands that it is a proposal of the Department. This Consent Order is not binding on Respondent until final ratification by the Department.
- (3) Respondent hereby acknowledges and waives:
  - a. The right to appear personally or by counsel or both before the Department;
  - b. The right to produce witnesses and evidence in his behalf at a hearing;
  - c. The right to cross examine witnesses;
  - d. The right to have subpoenas issued by the Department;
  - e. The right to further procedural steps except for specifically contained herein;
  - f. Any and all rights of appeal of this Consent Order;
  - g. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review;
  - h. Any objection to the fact that it will be necessary for the Board to become acquainted with all evidence pertaining to this matter in order to review adequately this Consent Order;

- i. Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order.
- (4) Acceptance of this Consent Order constitutes an acknowledgement by the Respondent of the findings of the board but does not constitute an admission for any purpose other than this proceeding.
- (5) This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and by the Department.
- (6) Failure to comply with this Consent Order, when signed and accepted, shall subject the Respondent to further disciplinary action.
- (7) The Respondent's license to practice chiropractic medicine in Rhode Island is suspended for three years. Further, the Respondent must take the Ethics program given by the National Board of Chiropractic Examiners. He may petition the Board for re-instatement after 2 years, however, reinstatement is optional and he must demonstrate his good moral character to the satisfaction of the board. Following reinstatement, he will remain on probation for 5 years.

Signed this 18<sup>th</sup> day of January, 2002.  
  
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Andrew J. Lombardi, DC

Ratified by the Board of Examiners of Chiropractic Physicians  
on 2/18, 2002.

  
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Chairman