

IN AND BEFORE THE OKLAHOMA STATE BOARD
OF PODIATRIC MEDICAL EXAMINERS
STATE OF OKLAHOMA

FILED

NOV 15 2023

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA, *ex rel.*)
OKLAHOMA STATE BOARD)
OF PODIATRIC MEDICAL)
EXAMINERS,)
)
Plaintiff,)
)
vs.)
)
BRYAN ANDREW BLANCK, D.P.M.,)
LICENSE NO. DPM 253,)
)
Defendant.)

Case No. 23-04-6218

VERIFIED COMPLAINT

The State of Oklahoma, *ex rel.* Oklahoma State Board of Podiatric Medical Examiners (“Board”), alleges and states as follows for its Complaint against Bryan Andrew Blanck, D.P.M. (“Defendant”):

1. The Board has jurisdiction over the subject matter and is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of those practicing podiatric medicine in the State of Oklahoma pursuant to 59 Okla. Stat. § 136 *et seq.*
2. Defendant holds Oklahoma podiatric medical license number 253.
3. The acts and omissions complained of herein were made while Defendant was acting as a physician pursuant to his podiatric medical license conferred upon him by the State of Oklahoma. Such acts and omissions occurred within the physical territory of the State of Oklahoma.

I. ALLEGATIONS OF PROFESSIONAL MISCONDUCT

4. On April 18, 2023, the American Podiatric Medical Association sent an email to OSMB containing a news article from KTUL stating Defendant had agreed to pay \$7 million to the federal government to resolve allegations that he violated the False Claims Act. Defendant, who formerly owned and operated the Valley View Foot and Ankle Center in Ada, submitted false claims to the VA for excessive medical services and for higher levels of service than what was medically reasonable or necessary for veterans receiving bioengineered skin substitutes and skin substitute-related treatment.
5. According to PACER, an electronic public access service for United States federal court documents, there are 3 federal court cases attributed to this licensee:

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STATE OF OKLAHOMA
DEPARTMENT OF HEALTH
MEDICAL EXAMINERS & SUPERVISORS

CLERK OF DISTRICT COURT
OKLAHOMA COUNTY
MURKIN DISTRICT

IN RE: ESTATE OF

THE STATE OF OKLAHOMA, by and through the undersigned, Plaintiff,
vs.
[Name], Defendant.

The undersigned, Plaintiff, hereby certifies that the within-entitled
cause is one that is justly triable by a jury and that the facts
and circumstances of the case are such that a trial by jury is
desirable.

This certification is made in accordance with the provisions of
Section 101 of the Oklahoma Statutes, which provides that in
cases where the facts and circumstances are such that a trial
by jury is desirable, the court shall order a trial by jury.

Witness my hand and the seal of the State of Oklahoma this
[Date] day of [Month], 2023.

[Name]
Attorney for Plaintiff

[Name]
Attorney for Defendant

- **Civil Action Case No. 19-CV-147-KEW** was filed on May 9, 2019, by Defendant against SMB Medical Billing Corporation. On April 6, 2021, the case was dismissed with prejudice.
 - **Civil Action Case No. 19-CV-286-KEW** was filed on August 28, 2019, by the US Eastern District of Oklahoma against Defendant in a forfeiture suit for violation of Wire Fraud, Health Care Fraud and Money Laundering.
 - **Civil Action Case No. 23- CV-03-JAR** was formally filed on Jan 3, 2023, against Defendant by the US District Court under the False Claims Act.
6. In **Civil Action Case No. 19-CV-286-KEW**, According to the Affidavit, in August, 2017, the VA/OIG SCFO initiated a health care fraud investigation into the podiatry clinic owned and operated by Defendant (Valley View Foot and Ankle Center - VVFAC) regarding allegations of a scheme to defraud government health insurance providers (specifically, the VA Choice / Patient-Centered Community Care program) by submitting claims for higher levels of service than what was medically reasonable or necessary, specifically skin substitutes. Due to Defendant's actions, the VA was billed \$16,523,430 and paid out \$12,544,012.42 to VVFAC for dates of service from August 14, 2015 – February 26, 2019, for 50 veterans receiving skin substitute and related treatment. TriWest conducted a limited desk audit on January 11, 2019, for 5 veteran patients. Of those 5, 263 visits were reviewed, of which 193 (73.3%) resulted in the billing of a skin substitute by Defendant.
 7. VA Patient L.W. was referred to Defendant for a **toenail** removal on May 25, 2016, however, the doctor told the patient he could not perform the nail removal because her A1C was too high. According to the patient, the doctor noticed a discoloration on her right leg and a mosquito bite in that area and treated it with a skin substitute without attempting any traditional medical treatment first. L.W. stated she had 4-5 skin substitutes placed on mosquito bites and never received her toenail removal procedure. Defendant billed \$24,850 on LW's first visit for a total of \$92,250.00 to include the 6 subsequent visits.
 8. VA Patient J.J. had a similar experience when Defendant treated "scrapes and nicks" with skin substitute. From November 15, 2016 – December 19, 2016, Defendant billed the VA a total of \$459,750 for patient J.J. The other 3 patient scenarios are cited within the document as well. The document lists all the bank accounts, properties and other assets believed to represent proceeds traceable to the commission of the aforementioned unlawful acts and subject to forfeiture to the US.
 9. **SUMMARY OF BILLING:** According to the VA Program Integrity data analysis, from February 14, 2017 – June 14, 2018, Defendant was the #1 billing podiatrist out of 4,014 nationwide in VA Choice and the #1 billing provider out of 280,073 individual providers in the entire VA Choice program across the nation. A review of TriWest billing data revealed that from August 14, 2015 – February 26, 2019, Defendant billed the VA Choice program through TriWest a total of \$16,523,430.00 and TriWest paid, on VA's behalf,

VVFAC a total amount of \$12,544,012.42 for skin substitute and related treatment for 50 veteran patients.

10. **SETTLEMENT AGREEMENT:** The settlement agreement was entered on August 24, 2022. The judgment was in the amount of \$7,000,000. The US took possession of assets totaling \$4,652,810.00 and the doctor was ordered to pay \$810,000.00, sell listed properties and pay proceeds toward the judgment, and make payments of a minimum of \$1,000/month to the US government to satisfy the remaining balance.

11. **Civil Action Case No. 23- CV-03-JAR**, was formally filed on January 3, 2023, against Defendant by the US District Court under the False Claims Act for \$7,000,000, in which the US alleges Defendant violated provisions of the False Claims Act by submitting claims to health care programs for medically unnecessary and inappropriate levels of care from August 14, 2015 – February 26, 2019. Defendant denied the allegations and admitted no liability or wrongdoing but has consented to the entry of an Agreed Judgment to avoid the delay, uncertainty, inconvenience and expense of protracted litigation of such claims.

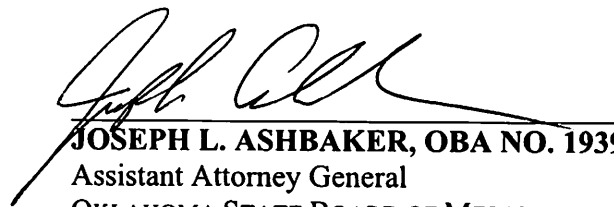
II. VIOLATIONS

12. Based on the foregoing, the Defendant is guilty of professional misconduct as follows:
 - a. Making any advertisement, statement, or representation which is untrue or improbable and calculated by the licensee to deceive, defraud or mislead the public or patients in violation of 59 O.S. § 148(5); and,
 - b. Violating or attempting to violate the provisions of the Podiatric medicine Practice Act, the Code of Ethics, or the rules of the Board in violation of 59 O.S. § 148(12); and,
 - c. A podiatrist, licensed as such under the laws of the State of Oklahoma, shall never willfully be guilty of conduct openly and grossly discreditable to the profession of podiatry in violation of Okla. Admin. Code § 545:1-5-9(1); and
 - d. He shall strive to keep the respect of other legalized professions. He shall further strive to uphold the honor and maintain the dignity of the profession of podiatry; shall not unjustly stir up strife or litigation or ill will among or between members of the profession; shall not dishonorably seek to avoid performance or observance of agreements lawfully binding upon him; shall be prompt, conscientious, and fair in all professional matters, and shall endeavor to uphold and observe the law, in violation of Okla. Admin. Code § 545:1-5-9(9); and
 - e. Within the purview of this Code of Ethics, it shall be deemed to be unethical conduct for any licensed podiatrist to perform any act, either of omission or commission, contrary to the true intendments and spirit expressed in this Code of Ethics in violation of Okla. Admin. Code § 545:1-5-9(13); and

- f. Grossly dishonorable conduct on the part of the licensee in violation of Okla. Admin. Code § 545:25-1-3(15); and
- g. Any act or omission on the part of the licensee which is contrary to or in derogation of the code of ethics in violation of Okla. Admin. Code § 545:25-1-3(17); and
- h. Any act of the licensee which is so intended to defraud the public in violation of Okla. Admin. Code § 545:25-1-3(19); and
- i. Violation of any section of the Code of Ethics promulgated by the Board in OAC 545:1-5-9 in violation of Okla. Admin. Code § 545:25-1-3(21).

III. CONCLUSION

Given the foregoing, the undersigned requests the Board conduct a hearing, and, upon proof of the allegations contained herein, impose such disciplinary action as authorized by law, up to and including suspension or revocation and any other appropriate action with respect to the Defendant's professional license, including an assessment of costs and attorney's fees incurred in this action as provided by law.



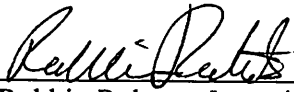
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VERIFICATION

I, Robbin Roberts, under penalty of perjury, under the laws of the State of Oklahoma, state as follows:

1. I have read the above Complaint regarding the Defendant, Bryan Andrew Blank, D.P.M.; and

2. The factual statements contained therein are true and correct to the best of my knowledge and belief.



Robbin Roberts, Investigator
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

Date: 11-15-23



Place of Execution