

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
)
)
v.)
)
JANET DESPOT, M.D., RICKEY E.)
WEIR, and CARDINAL)
RESPIRATORY, P.C.,)
)
Defendants.)

No. 06-3258

OPINION

JEANNE E. SCOTT, U.S. District Judge:

This matter is before the Court on a Motion for Entry of Final Judgment (d/e 17) filed by Plaintiff the United States of America. No objections to the Motion have been filed. The Court has reviewed the Motion and deems entry of judgment to be appropriate.

THEREFORE, the Motion for Entry of Final Judgment (d/e 17) is ALLOWED. Judgment is entered in favor of the United States and against Defendants Janet Despot, M.D., Rickey E. Weir, and Cardinal Respiratory, P.C. The Injunction (d/e 2), entered November 9, 2006, and the Order (d/e

10), entered April 17, 2007, are hereby made permanent. The Court, therefore, orders that each of the Defendants and their agents, officers and employees, are hereby permanently enjoined and restrained as follows:

1. From billing Medicare (Part B, Part A and DMERC), Medicaid, insurance companies and individuals for office medical supplies considered by regulations or specific insurance guidelines to be part of a physician's practice expense, including filters, mouthpieces, syringes, alcohol wipes, dermapicks and bandages;

2. From submitting claims to Medicare, Medicaid, other insurance carriers or to individuals for more services than are actually performed (as defined by Medicare or specific insurance company guidelines), or submitting any claim for service(s) with a "59" modifier, "technical component" or "TC" modifier;

3. From submitting claims to Medicare, Medicaid, other insurance carriers or to individuals for more allergy doses than are actually created for a patient to be administered to that patient;

4. From submitting claims to Medicare, Medicaid, or other insurance carriers with the place of service noted as being "home" when, in fact, the service, if any, was provided at a Cardinal Respiratory related

facility;

5. From submitting any claims for “durable medical” equipment or supplies to AdminaStar Federal or any other Medicare DMERC;

6. From “balance billing” patients; that is, from pursuing charges from patients beyond the amount specifically allowed by Medicare Part B or other insurance companies and any deductible and co-insurance specifically allowed by Medicare or by the insurance contract;

7. Rickey E. Weir is ordered to have no contact or involvement whatsoever with the business of Cardinal Respiratory, P.C. As part of this order, Rickey E. Weir is ordered to remain away from the business premises of Cardinal Respiratory at all times, and is to have no access (including electronic) to any of the computers, accounts or files of Cardinal Respiratory, P.C. without written agreement of the parties or leave of Court. Finally, Rickey E. Weir is ordered to have no contact with any agent or employee of Cardinal Respiratory except Janet Despot-Weir.

All pending motions are denied as moot. This case is closed.

IT IS THEREFORE SO ORDERED.

ENTER: October 29, 2009

FOR THE COURT:

s/ Jeanne E. Scott
JEANNE E. SCOTT
UNITED STATES DISTRICT JUDGE