

# Exhibit 17



The Commonwealth of Massachusetts  
Executive Office of Health and Human Services  
Provider Compliance Unit  
The Schraffts Center  
529 Main Street, Suite 320 Box 26 3<sup>rd</sup> Floor  
Charlestown, MA 02129-1120



DEVAL L. PATRICK  
Governor

TIMOTHY P. MURRAY  
Lieutenant Governor

JUDYANN BIGBY, M.D.  
Secretary

JULIAN HARRIS, M.D.  
Medicaid Director

November 7, 2011

Bharanidh Padmanabhan MD  
339 Center Street Suite 23  
Middleboro, MA 02346

Dear Dr. Padmanabhan:

The Massachusetts MassHealth program routinely performs reviews of providers who participate in MassHealth. The purpose of these reviews is to assure compliance with the regulations governing MassHealth, and to determine whether the services provided were medically necessary, appropriate, and of a quality that meets professionally recognized standards of care. These reviews are required by Federal Law at 42 U.S.C. 1396a(a)(27), (30), and by Massachusetts General Laws at Chapter 118E, as well as by Code of Massachusetts Regulations at 130 CMR 450.204, 205, and 206.

In this regard, please send **complete** copies of your medical records, including but not limited to progress notes, orders, prescriptions, and certificates of medical necessity for durable medical equipment, orthotics, and/or incontinence supplies, for the MassHealth members identified on the attached list, for services provided during the period of **January 1, 2008 through October 31, 2009**. Also, please fill out the attached questionnaire for the same time period and return it with the records.

In accordance with the Health Insurance Portability and Accountability Act (HIPAA) of 1996, effective April 14, 2003, all Protected Health Information (PHI) regarding members will be kept confidential.

Thank you for your cooperation in this matter. **Please forward the requested information to my attention, at the letterhead address, within 15 days of the date of this letter.** If you have any questions, you may contact me at (617) 886-8131.

Sincerely,

Christine Zavala CPC CPMA  
Associate Director, Provider Compliance

Boston  
28 November 2011

Attn: Christine Zavala  
Associate Director  
Provider Compliance, MassHealth

Dear Ms. Zavala,

Kind Greetings!

As I informed you this morning when you phoned me, I received your letter of Nov. 7th only on the 23rd as I was not in clinic in the interim. A secretary in the clinic that I share space in, one afternoon a week, signed for the letter in my absence. Naturally this renders the Nov. 21st deadline moot but I thank you for extending the time till the end of this week.

I found the list of patients that you sent over to be most interesting, along with the time period in question. Allow me to explain the background behind your request as I see it.

In 2008 I first brought serious errors in the quality of care at Cambridge Health Alliance (CHA) to the notice of the Chiefs of Medicine and Neurology. In July 2010 once again I brought a very major error to the notice of the Chief of Medicine. I proved that a report had been issued for a Brain MRI scan that had not been fully seen.

As I testified under oath to a Peer Review Panel, the findings on the MRI were so clear that even a brief passing sideways glance would have sufficed for them to be noticed and recorded on the radiology report. Which they were not. And naturally insurance (MassHealth) was sent a hefty bill for this report. I called this a clear case of insurance fraud.

The response of the CHA hospital leadership was to discuss how I could be retaliated against by CHA. The Chief of Medicine tried to claim that my care of patients was unprofessional. I insisted on and presented my evidence before a Peer Review Panel in January 2011. This was conducted with a Hearing Officer, a Court Reporter, sworn testimony from expert witnesses and hard evidence.

The Chief testified under oath that the safety and medical outcome of individual patients was not relevant to his purpose, which was to ensure that I be made unemployable for ever. He also testified that I did meet the Board standard.

The Peer Review Panel clearly accepted the huge amount of evidence and the testimony of a accomplished expert in Pain Management at Harvard that my practice clearly met the standard of care of the Commonwealth of Massachusetts Board of Registration in Medicine and that of the Federation of State Medical Boards.

I have taken the course in Safe and Effective Opioid Prescribing run by the Board of Registration in Medicine and have discussed my practices with the faculty as well as agents from DEA and State Police at the course. All have affirmed that my practice meets the State's professional standards.

In October 2011 I wrote a clear letter to the Acting CEO of CHA stating that trying to run a physician out of medicine was an usurpation of State power when the physician's care was proven to meet the Board's professional standards of care.

It was immediately obvious that CHA would do anything to sabotage my professional standing.

Which brings me to the list of 8 patients whose records are ostensibly sought by MassHealth. These same records were selected and examined before the Peer Review Panel which found that my professional care met the standard of the Board of Registration in Medicine.

Since I am no longer employed at CHA I do not have any access to records for any of my former patients for the period in question or the other documents in the attachment. You are welcome to get them from CHA directly, just like the list.

Presently my attorneys have put together a massive lawsuit against CHA for retaliating against a whistleblower (that too a salaried public health employee and medical professional who won CHA's own Quality Circle Award) in addition to numerous tort, breach of contract, theft of property and deliberate defamation claims. The actions of CHA were in **conscious disregard of the law**. CHA's attorneys last week signaled their willingness to engage in settlement talks.

It is evident that providing someone within MassHealth the very same list selected by CHA in November 2010, is yet another example of deliberate defamation and retaliation. Especially when it was provided knowing that the care of patients on the list had already been examined by a Peer Review Panel under oath and found to clearly meet the State's standard of care.

It would be terribly unseemly and illegal for MassHealth to be seen assisting CHA in retaliating against a physician who proved repeated cases of substandard care and insurance fraud at a publicly-funded hospital that claims millions in direct tax support by professing a great commitment to improving healthcare quality.

As this letter of mine contains no Protected Health Information, it may be released in it's entirety to the MassHealth Insurance Fraud Squad, other public officials within MassHealth, the Attorney General, the Governor, the United States Congress and the Press.

With kind regards,

Yours sincerely,



**Bharani Padmanabhan MD PhD**  
*Double-Fellowship-trained Multiple Sclerosis expert  
Board Certified in Neurology*