



Washington, D.C. 20201

FEB - 2 2005

Durward J. Thomas, O.D.  
P.O. Box 117  
Ringgold, LA 71068

Dear Dr. Thomas:

Re: OI File No. 6-01-40347-9

On July 31, 2001, you were notified by the Office of Inspector General (OIG) that you were being excluded from participation in the Medicare, Medicaid, and all Federal health care programs for ten years. That action was taken under section 1128(a)(1) of the Social Security Act (Act) and was based on your conviction in the 19<sup>th</sup> Judicial District Court, East Baton Rouge Parish, Louisiana, of a criminal offense related to the delivery of an item or service under the Medicaid program. Your exclusion became effective August 20, 2001, and remains in effect.

By letter dated December 8, 2004, Frederick P. Cerise, Secretary, Louisiana Department of Health and Hospitals, requested a waiver of your exclusion from Medicare, Medicaid and all Federal health care programs as defined in section 1128(h) of the Act. The request is based on the State agency's determination that you are the sole source of essential specialized services and/or the sole community physician in the city of Ringgold and in Red River Parish. Since this request meets the criteria set forth in 42 CFR 1001.1801(b) and sections 1128(c)(3)(B) or (d)(3)(B)(i) of the Act, we are granting the State agency's request for the waiver of your exclusion from Medicare, Medicaid, and all Federal health care programs in the city of Ringgold and in Red River Parish, Louisiana.

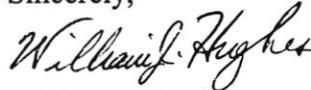
**This waiver affects only the specified programs in the specified city and parish in Louisiana for as long as the State agency determines that such need exists.** Your exclusion remains in effect for all items and services you furnish, order, or prescribe within all other programs in all other Louisiana cities and parishes and in all other States. This action does not otherwise change your current exclusion; it remains in effect and, as detailed in your exclusion notice, you will have to apply for reinstatement at the end of the ten-year period.

Approval of the waiver request means that, **effective with the date of this notice**, you may submit claims for payment of covered items and services furnished, ordered, or prescribed by you to program beneficiaries in the city of Ringgold and in Red River Parish in Louisiana. **This waiver is not retroactive** and does not authorize you to claim program payment for services that you have already rendered to program beneficiaries in the city of Ringgold and in Red River Parish.

Should you wish to obtain a waiver of your exclusion for the purpose of participating in any Federal or State health care programs outside of Louisiana, you will have to contact those programs directly. You may present a copy of this letter to the appropriate officials of those other programs to substantiate that you have been granted a waiver by the OIG for Medicare, Medicaid, and all Federal health care programs in these counties and districts in Louisiana. Whatever decision those officials make has no bearing on the OIG's exclusion and/or waiver actions.

Your exclusion remains in effect until you have applied for and been granted reinstatement by the OIG. The waiver remains in effect as long as the State agency determines that a need for your services exists in the city of Ringgold and in Red River Parish. Should the State agency determine that such need no longer exists, or if at any time you no longer practice in this city and parish, your waiver will no longer apply to services you furnish in Louisiana.

Sincerely,



William J. Hughes

Reviewing Official

Health Care Program Exclusions

Office of Counsel to the Inspector General

cc: Special Agent in Charge, Dallas  
Frederick P. Cerise, M.D., M.P.H.  
Ben Bearden, Medicaid Director