

Home Health Agency "Patient Recruiter" Sentenced to 63 Months in Prison for Allegedly Committing Health Care Fraud

(October 18, 2010): The U.S. Attorney's Office for the Eastern District of Michigan, working with the FBI and HHS-OIG has announced the sentencing of yet another defendant convicted of home health fraud. As the Department of Justice's [Press Release](#) reflects, the defendant, a nurse who worked as a "**patient recruiter**" and operator of a Detroit-area home health agency, allegedly solicited Medicare beneficiaries for the home health agency where he worked and "offered them cash kickbacks in exchange for their Medicare patient information and signatures on medical documents." The defendant also allegedly:

"admitted that he knew the beneficiaries he recruited were neither homebound nor in need of physical therapy services." Finally, the defendant allegedly "admitted in court papers that he knew [the home health agency] used the beneficiaries' Medicare information to bill Medicare for physical therapy that was medically unnecessary and / or never performed." (emphasis added).

As a result, it was estimated that \$6.96 million in "false or fraudulent claims [were submitted] to the Medicare program." In this case, the defendant was sentenced to **63 months in prison** for his actions.

Commentary: Over the last few months, a number of criminal prosecutions have been brought against "patient recruiters" working for home health agencies who have allegedly been involved in wrongdoing. In most cases, the defendants have been alleged to have improperly used the Medicare information of these patients to improperly bill for services that were not medically necessary and / or were not rendered. In light of these cases, it is recommended that home health agencies carefully review their marketing practices to verify that the conduct of their employees or contractors does not violate applicable statutory and regulatory requirements. It is also recommended that home health agency Compliance Officers work with outside counsel to engage outside billing / coding personnel to conduct periodic home health claims reviews so that the propriety of the skilled nursing services billed can be properly verified.

[Liles Parker attorneys represent home health agencies and their officers in Medicare audits and investigations. Please call 1 \(800\) 475-1906 for a free consultation.](#)