

HOT TOPICS  
March 21, 2016

FRAUD/ABUSE

DE Senator Questions HHS Regarding Inappropriate Social Media Posts by SNF Employees: Delaware Senator Tom Carper has spoken out to the Department of Health and Human Services about his concerns regarding the influx of unwelcome and inappropriate pictures and videos of residents posted on social media by nursing home workers. Carper asked HHS several questions about their plans to address such situations such as the number of HIPAA complaints that they have received thus far addressing these posts. For more information, visit [http://www.mcknights.com/news/senator-grills-hhs-over-nursing-home-workers-social-media-abuse/article/482193/?DCMP=EMC-MCK\\_Daily&spMailingID=13935193&spUserID=MTM2NDA4NTY3MTQ4S0&spJobID=740745283&spReportId=NzQwNzQ1MjgzS0](http://www.mcknights.com/news/senator-grills-hhs-over-nursing-home-workers-social-media-abuse/article/482193/?DCMP=EMC-MCK_Daily&spMailingID=13935193&spUserID=MTM2NDA4NTY3MTQ4S0&spJobID=740745283&spReportId=NzQwNzQ1MjgzS0)

Former NY SNF Owners Arrested for Fraud: The two owners of a New York nursing home that closed in 2012 were arrested on charges of larceny and falsifying business records. The men are accused of stealing over \$60,000 from the facility's resident trust account, and then attempting to cover up their actions. Visit <http://www.mcknights.com/news/former-nursing-home-owners-arrested-on-felony-fraud-charges/article/483936/> and [http://www.thedailystar.com/news/local\\_news/ex-countryside-execs-face-fraud-charges/article\\_c72636d7-c417-56e1-81a7-302730fed91d.html](http://www.thedailystar.com/news/local_news/ex-countryside-execs-face-fraud-charges/article_c72636d7-c417-56e1-81a7-302730fed91d.html) for more information.

Psychiatrist Sentenced for Receiving Kickbacks: A psychiatrist has been sentenced to a nine month prison sentence for receiving approximately \$600,000 from pharmaceutical companies for prescribing the drug Clozaril to nursing home patients. The Chicago doctor was at one point the largest prescriber of the drug to Medicare patients in the country. He is also to repay \$592,000 and perform community service. For more information, visit <http://www.mcknights.com/news/psychiatrist-gets-9-months-in-prison-for-nursing-home-drug-kickback-scheme/article/483097/> and <http://chicago.suntimes.com/news/psychiatrist-sentenced-to-9-months-for-accepting-kickbacks/>

EMPLOYMENT

Court Finds Company Not Liable for Employee Comments About Customer on Social Media: Hertz Rent-a-Car was found not liable by a Hawaii court for defamatory comments made by an employee about a customer on the social media platform Facebook. The customer sued the company for negligent supervision, retention, and training, but the court found that the company did not know and could not have known of the employee's posts. The company had previously implemented a policy regarding social media conduct for its employees. For more information, visit <https://www.employmentmattersblog.com/2016/03/employer-not-responsible-for-employee-defaming-customer-on-facebook/>

CA Employer to Pay Employees Back Wages & Damages for FLSA Violations: The owner of a California residential care company has been ordered to pay \$113,652 in back wages and

damages to a total of 138 employees after the employer was found to be in violation of the overtime, hourly wage, and record keeping portions of the Fair Labor Standards Act. Visit <http://www.dol.gov/newsroom/releases/20160301-0> for more information.

FL Man Sentenced in Fraud Scheme: A Florida man has been sentenced to over 14 years in prison after he was found guilty of several health care fraud charges and money laundering. The man and three co-conspirators, through three medical clinics, submitted over \$12 million in false claims to Medicare for a variety of medical services of which Medicare reimbursed over \$2.8 million. The scheme also involved illegal kickbacks in which the man and his co-conspirators received access to Medicare beneficiary information. For more information, visit <https://www.justice.gov/opa/pr/florida-man-sentenced-more-14-years-prison-multimillion-dollar-health-care-fraud-and-money>

## OF INTEREST

CMS Announces Initiative to Provide LTC Facilities with Greater Funding for Technology: The Centers for Medicare and Medicaid Services has announced that it is launching a new initiative which will provide long term care facilities and other healthcare providers with greater funding to improve their technological services regarding health information sharing. The initiative will allow states to request 90% matching funds from CMS to complete this technological upgrade. For more information, visit [http://www.mcknights.com/news/federal-initiative-expands-it-funding-for-long-term-care/article/481006/?DCMP=EMC-MCK\\_Daily&spMailingID=13886384&spUserID=MTM2NDA4NTY3MTQ4S0&spJobID=740262139&spReportId=NzQwMjYyMTM5S0](http://www.mcknights.com/news/federal-initiative-expands-it-funding-for-long-term-care/article/481006/?DCMP=EMC-MCK_Daily&spMailingID=13886384&spUserID=MTM2NDA4NTY3MTQ4S0&spJobID=740262139&spReportId=NzQwMjYyMTM5S0)

CMS Announces New Quality Measures: The Centers for Medicare and Medicaid Services has announced six new quality measures set to join Nursing Home Compare. They are as follows:

- % of short-stay residents successfully discharged to community
- % of short-stay residents who have had an outpatient emergency department visit
- % of short-stay residents re-hospitalized after nursing home admission
- % of long-stay residents whose ability to move worsened
- % of long-stay residents given anti-anxiety or hypnotic medications

For more information, visit <https://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/CertificationandCompliance/Downloads/Improvements-NHC-April-2016.pdf> (full report) and [http://www.mcknights.com/news/6-new-quality-measures-coming-to-nursing-home-compare-five-star-rating-system/article/481007/?DCMP=EMC-MCK\\_Daily&spMailingID=13886384&spUserID=MTM2NDA4NTY3MTQ4S0&spJobID=740262139&spReportId=NzQwMjYyMTM5S0](http://www.mcknights.com/news/6-new-quality-measures-coming-to-nursing-home-compare-five-star-rating-system/article/481007/?DCMP=EMC-MCK_Daily&spMailingID=13886384&spUserID=MTM2NDA4NTY3MTQ4S0&spJobID=740262139&spReportId=NzQwMjYyMTM5S0)