



KEEPING IT LEGAL

What Hospitals, Physicians, Nursing Homes, Assisted Living Facilities & Other Providers Need to Know When Referring to Medicare Home Health Services

The Basics

Home health is an essential part of the care continuum in Massachusetts, and home care agencies strive to provide quality care and comply with Medicare policy.

Recently, several prominent fraud and abuse investigations have focused attention on agencies that falsified claims for clients who clearly did not warrant Medicare coverage.

What's Being Done

In response, regulators are increasingly looking into questionable or fraudulent practices. All entities working with home health care agencies should be aware that the following practices are prohibited and should be reported to federal authorities:

- Collaborating to provide – or encouraging beneficiaries to seek – services that are unnecessary;
- Inflating therapy evaluations or needs to assure a higher case mix payment;
- Requiring providers to pay referral fees for discharges;
- Providing inducements to steer referrals, such as:
 - Making a cash payment per referral;
 - Hiring a relative of a physician or other referring entity for the purpose of steering clients;
 - Offering a nursing home a staff member paid by the home health agency to cover certain shifts or manage the discharge process; and
 - Overpaying for contracted services, e.g., renting space at a higher-than-market prices;
- Providing daily insulin injection services to patients capable of self-injection; and
- Certifying clients who are capable of seeking medical treatment outside the home without significant or taxing effort as “homebound.”

How to Report Fraud

The member agencies of the Home Care Alliance of Massachusetts have a zero tolerance policy for fraudulent Medicare activity, whether it occurs via incompetence or criminal intent.

Anyone who encounters or is approached to participate in prohibited behaviors are encouraged to report it to:

1. Office of Inspector General
Department of Health & Human Services
ATTN: HOTLINE
PO Box 23489
Washington, DC 20026

Ph: (800) 447-8477
Fx: (800) 223-2164 (10 pages max)
hhstips@oig.hhs.gov
www.oig.hhs.gov/fraud/hotline
2. Centers for Medicare & Medicaid Services
Attn: Daniel Kristola
John F Kennedy Federal Building
Boston, MA 02203-003

daniel.kristola@cms.hhs.gov
Ph: (617) 565-4487

About the Alliance

The Home Care Alliance of Massachusetts is a non-profit trade association that promotes home care as an integral part of the health care delivery system. Founded in 1969, it represents 200 home care agencies from all corners of Massachusetts. To learn more, visit us at www.thinkhomecare.org.