



PROTECTING SENIOR TEXANS: THE ATTORNEY GENERAL'S MEDICAID FRAUD CONTROL UNIT

by Texas Attorney General Greg Abbott

MAY IS OLDER AMERICANS MONTH, an opportunity for us to recognize our senior Texans as well as the tremendous work that is done by healthcare workers, nursing home caregivers, law enforcement and other dedicated professionals across the state on their behalf.

One of the top priorities of my administration is keeping seniors safe. Fraud against seniors takes many forms, and Medicaid fraud is no different. From financial exploitation to fraudulent reimbursement claims for services or products not provided to physical abuse and neglect, unscrupulous individuals look for opportunities to scam the Medicaid program and take advantage of its recipients.

The Medicaid Fraud Control Unit (MFCU) within my office has jurisdiction to investigate when crimes occur in Medicaid-funded nursing homes and facilities. The unit works together with local law enforcement and other agencies to protect senior Texans.

Identity theft is a very common type of financial fraud in nursing homes. Seniors typically have clean credit histories, making it easy for a thief to open fraudulent accounts in the name of a resident. At a Hillsboro nursing home, for example, a former activity director pled guilty to identity theft charges after investigators discovered the woman had stolen the personal information of two residents to obtain utility services at her private residence and then diverted funds from one resident's bank account to pay the bill. Our MFCU investigators subpoenaed billing records and a voice recording that implicated the woman, and the case was successfully prosecuted by the Hill County District Attorney's Office.

Falsifying identities and documents can be dangerous to the health and safety of residents and patients as well. Last month, the Williamson County Sheriff's Office arrested a woman who was posing as a registered nurse at an obstetrical

and gynecological physicians' office in Round Rock. The woman gained employment using a fraudulent license and worked nearly a year as a registered nurse though she was not educated, trained, licensed or qualified. The criminal investigation by MFCU and the sheriff's office found that this was not the first time the woman fraudulently posed as a registered nurse, but criminal prosecution will ensure that it will be her last.

Another type of fraud our investigators encounter is the personal or illicit use or sale of drugs within nursing homes and healthcare facilities. Last year, a licensed vocational nurse (LVN) at a healthcare center in Brownwood appeared to be "under the influence" while she was working, raising the suspicions of another nurse on duty. A drug count revealed that 90 doses of the painkiller Oxycodone were missing. The joint criminal investigation conducted by the Brownwood Police Department and our MFCU investigators found evidence that the LVN had obtained the drug by fraud, a felony in Texas. She had injected herself with it and then destroyed the resident's narcotic count sheet.

Drug diversion scams and financial fraud against senior Texans is despicable, but physical abuse and neglect are even more heinous crimes. Our MFCU works closely with local law enforcement and the Texas Department of Aging and Disability Services to bring to justice those whose actions have inflicted injury or death.

In a recent case, an 87-year-old nursing home resident in Bell County died after a healthcare worker transported the resident from her doctor's appointment, parked the vehicle and then left the resident in an unventilated and non air-conditioned van for over four hours, while temperatures soared near 100 degrees. The case was investigated by the Temple Police Department and the MFCU, and the healthcare worker eventually pled guilty to criminally

negligent homicide.

In another case, an LVN in Wharton County disregarded multiple reports from certified nurse aides of a resident's deteriorating condition. The symptoms progressively worsened over the next few hours and the resident died. The Wharton County Sheriff's Office requested assistance from our MFCU investigators after the resident passed away. Subpoenaed cell phone records showed that the LVN spent a significant amount of time on her personal phone during times she was supposed to be caring for the resident. The LVN pled guilty to charges of injury to an elderly individual by reckless omission.

Our MFCU has seen significant expansion over the last two years, thanks to authorization and funding from the Texas Legislature. Today, we have field offices in Corpus Christi, Dallas, El Paso, Houston, Lubbock, McAllen, San Antonio and Tyler. The MFCU employs 196 personnel, comprised of criminal investigators, both commissioned and non-commissioned peace officers, attorneys, auditors and support staff.

My office also participates in one of the nation's most promising community policing movements for preventing crime against seniors - a program known as Triad. Triad is a collaboration between the sheriff, police and senior advocates within a county. The major purpose of a Triad is to develop, expand and implement effective crime prevention and education programs for older community members and improve their quality of life. Through Triads, law enforcement officials and local citizens work to protect senior citizens against fraud, abuse and neglect.

We are proud of our senior Texans and the great contributions and sacrifices they have made to our freedom and security. Join me in taking every opportunity during the month of May to recognize our senior neighbors and friends.

POINTS TO REMEMBER



PROTECTING SENIOR CITIZENS

File a complaint about a nursing home:

Department of Aging and Disability Services
(800) 458-9858

www.dads.state.tx.us

Report abuse or neglect of a resident in a Medicaid-funded facility:

Medicaid Fraud Control Unit
Office of the Attorney General
Telephone: (512) 463-2011

Fax: (512) 320-0974

E-mail: mfcu@oag.state.tx.us

For more information on senior issues or for hard copies of Senior Alerts:

Office of the Attorney General
(800) 252-8011

Sign up online to receive Senior Alert E-mails:

www.oag.state.tx.us

For Nursing Home Ombudsman assistance and benefits counseling:

Texas Department of Aging and Disability Services
Area Agencies on Aging
(800) 252-9240

www.dads.state.tx.us



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