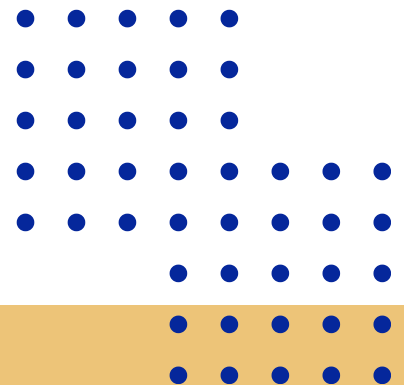




## TBI'S MEDICAID FRAUD CONTROL DIVISION

*Dedicated, specially-trained personnel with a passion for protecting the TennCare program and the citizens of the state of Tennessee.*



# *The Protectors*

**WHILE PROVIDER FRAUD IS A FOCUS, TBI'S MEDICAID FRAUD DIVISION NEVER LOSES SIGHT OF THOSE IMPACTED.**



While it's common knowledge that investigating healthcare provider fraud is a focus of TBI's Medicaid Fraud Control Division (MFCD), the division is also heavily involved in vulnerable adult protection. In fact, the division's agents are charged, under both state and federal law, with protecting vulnerable adults in a variety of healthcare settings, such as facilities that receive Medicaid funding and in private homes where a caregiver paid through Medicaid is suspected of abuse.

In order to effectively combat the problem, agents actively participate in the Vulnerable Adult Protective Investigative Teams helmed by district attorneys general throughout the state. Agents also work alongside MFCD nurse consultants, auditors, and attorneys to raise awareness, build relationships with partner agencies, and provide subject matter expertise to assist in prosecuting complex cases. A recent investigation in a rural county in the Upper East region of the state illustrates the importance of those relationships.

Earlier this year, MFCD agents from the Johnson City Office went to a licensed assisted living facility to investigate allegations of fraudulent use of Medicaid issued benefits cards. When they arrived at the facility, they found an unimaginable situation. Eighteen vulnerable adults housed at the facility had been left to the care of a seventeen-year-old and a sixteen-year-old.

The agents quickly assessed the situation and determined that two of the residents were hospice patients who required narcotic medications and breathing treatments. Adult Protective Services investigators were notified and began working to determine what would be required to address the situation and ensure the safety of the residents.

The Tennessee Health Facilities Commission was notified and immediately dispatched facility inspectors. Personnel with TennCare Managed Care contractors were also called and arrived quickly to start arranging alternative housing for

residents. The Collaborative Response to Older and Vulnerable Adult Abuse (CREVAA) team from the First Tennessee Area Agency on Aging responded to transport residents.

Representatives from the county sheriff's office and local emergency medical services responded and assisted with the evacuation of the facility, and the District Attorney's Office provided guidance and legal advice. Because of the coordinated efforts, enhanced by the Division's existing relationships with the various agencies, all 18 vulnerable adults were evacuated from a potentially disastrous situation and relocated to safer living arrangements within about five hours. While the investigation into various violations by the owner of the facility continues, these vulnerable adults are safe in environments where their needs will be met.

Partnership really does pay off.



## TBI'S MEDICAID FRAUD CONTROL DIVISION

While most cases worked by the MFCD involve investigations of alleged criminal acts of fraud by Medicaid providers and are prosecuted in both state and federal courts, the division has seen and been involved in an increasing number of civil fraud cases. Those civil cases may fall under the federal False Claims Act and/or the Tennessee Medicaid False Claims Act and have resulted in the state obtaining substantial penalties and damages. The federal and state false claims acts have become powerful tools in fighting healthcare fraud and have resulted in tens of millions of dollars in recoveries for the state of Tennessee. The MFCD also works patient abuse cases involving physical, sexual, and financial abuse and neglect of individuals in both Medicaid-receiving facilities and board and care facilities, as well as allegations of abuse and neglect of Medicaid recipients in any setting (when related to the provision of Medicaid services).

In Fiscal Year 2023-2024, the MFCD'S work in fraud resulted in 25 indictments, 27 convictions, and the identification of over \$29.5 million in overpayments, at a cost of approximately \$2.9 million to the state of Tennessee. The MFCD opened 33 abuse and neglect cases, obtained 11 indictments and 12 convictions, and reported individuals to the Tennessee Abuse Registry and appropriate licensing boards.

CASE TYPE	NUMBER OF CASES	CASELOAD PERCENTAGE
FRAUD BY PROVIDER (E.G., DENTIST, PHYSICIAN, NURSE PRACTITIONER)	57	26.89%
FRAUD BY INDIVIDUAL PROVIDER (E.G., NURSE AID OR PERSONAL CARE ASSISTANT)	28	13.21%
FRAUD BY MEDICAL SERVICES (E.G., DURABLE MEDICAL EQUIPMENT, LABS, ETC.)	66	31.13%
FRAUD BY MEDICAL FACILITY (E.G., NURSING HOME, ASSISTED LIVING, ETC.)	22	10.38%
PATIENT ABUSE/NEGLECT	39	18.40%
<b>TOTAL</b>	<b>212</b>	<b>100%</b>



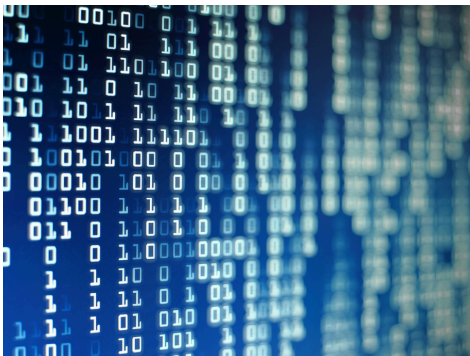
## FRAUD



From July 1, 2023 through June 30, 2024, the MFCD helped identify approximately \$29.5 million in fraud cases worked by the Tennessee MFCD. In total, the Division opened 75 fraud cases, closed 67 and obtained 25 indictments and 27 convictions.

The MFCD emphasizes the detection of healthcare fraud trends by utilizing link analysis measures and cultivating new partnerships with external fraud vendors like the Healthcare Fraud Prevention Partnership (HFPP). The MFCD also works closely with individuals from other areas within the Bureau of TennCare, the Tennessee Office of Inspector General, the Tennessee Attorney General's Office, and the Tennessee Department of Health's Division of Health-Related Boards.

## GLOBAL INVESTIGATIONS



Regarding monetary recoveries, global settlements are often the most worthwhile cases in which the MFCD participates. These settlements typically involve large national healthcare companies and help resolve cases that originate in other states which could be based on allegations not yet the focus of investigation in Tennessee.

For the 2023 – 2024 fiscal year, the MFCD was a party in two NAMFCU global settlements totaling \$126,917.81, with \$122,149.54 in federal and state dollars recovered on behalf of Tennessee's Medicaid program.

## ELDER EXPLOITATION & NEGLECT



As of June 30, 2024, the MFCD had 33 open patient abuse and neglect cases, including financial exploitation cases, many of which have multiple victims. During the 2023-2024 fiscal year, the MFCD received more than 3,700 abuse, neglect, and financial exploitation referrals, primarily from the Tennessee Department of Human Services' Adult Protective Services (APS) and the Tennessee Department of Disability and Aging, but referrals also come from a number of other sources, including to the MFCD's hotline, website, and email. All referrals to the MFCD undergo a preliminary review by supervisors.

## *Casework & Care*

### **VULNERABLE ADULT CASES TAKE THE KIND OF COMPASSION CARA LOWE BRINGS TO HER WORK EVERY DAY AT TBI.**

Special Agent Cara Lowe says she considers it a blessing to be able to work on behalf of vulnerable victims. She says being able to help and ensure the safety of victims who are non-verbal or suffer from cognitive impairments due to a disability or age is what keeps her motivated.

Cara joined TBI's Medicaid Fraud Control Division in 2022 and has quickly proven herself as a thorough and compassionate investigator in vulnerable adult cases. According to her supervisors, her perseverance and dedication were exemplified by two recent cases, both of which involved adults with severe limiting disabilities.



In March 2024, Special Agent Lowe was made aware of a possible neglect case involving a vulnerable adult in Carter County. The victim's caregiver, who was employed by a company located in Greeneville, crashed his vehicle into a utility pole with the victim inside. He then left the scene of the accident to evade authorities. While investigating the circumstances leading to that incident, SA Lowe identified another incident of neglect involving the victim. This time, a second caregiver employed by the same company failed to properly monitor the victim, which resulted in him urinating on himself, removing his clothing, and leaving the residence. The caregiver did not notice the victim was locked out of the residence until another staff member arrived. The facts of the case were presented to the Carter County Grand Jury, and both caregivers were indicted and charged with Neglect of a Vulnerable Adult. SA Lowe's tenacity in this case also led to a comprehensive review of other incidents of alleged neglect by employees of the same agency at various locations throughout the region.

Another recent investigation centered around an adult female with a developmental disability. SA Lowe learned that the community support agency where the victim received services had documented numerous incidents of the victim arriving with soiled clothing and bruises.



SA Lowe launched an extensive investigation, collaborating with the Tennessee Department of Disability and Aging, Tennessee Adult Protective Services, local law enforcement, and the District Attorney's Office. The investigation revealed that the victim was being abused and neglected by her brother, who also served as her caregiver. During the execution of a search warrant at his home, agents found evidence that a child living in the home was also being abused. Two people were arrested and charged as part of the investigation.

SA Lowe's supervisors say the outcome of these cases can be attributed to her excellent working relationship with the multitude of agencies and groups involved in vulnerable adult protection.