

## Eli's Hospice Insider

### Fraud & Abuse: Whistleblower Nurse Nets \$1.3 Million From Hospice Fraud Settlement

**Your biggest qui tam risks are within the ranks of your own employees.**

Do you base any of your clinical staff's pay on admissions and patient census? If so, you may want to change that practice.

That's one of the problems listed by the **Department of Justice** in a case against **Hospice Care of Kansas**, owned by Ft. Worth, Texas-based **Voyager HospiceCare Inc.** Hospice Care has agreed to settle fraud allegations for \$6.1 million, the DOJ says in a release.

From 2004 to 2008, Hospice Care submitted claims for beneficiaries that didn't have a six-month prognosis, prosecutors say. In addition to the improper pay structure for staff, Hospice Care delayed discharges of patients determined not to have a six month or less prognosis, instructed staff to document patient conditions in a misleading manner, and implemented an inadequate compliance program, according to the release.

The case originated with a qui tam lawsuit from whistleblower **Beverly Landis**, a Hospice Care nurse. Landis will receive a \$1.342 million payout. Landis filed her suit in 2006, reports the Associated Press. One of Landis' attorneys, **David White**, told the AP that Landis had been the director of another hospice before she came to work for Hospice Care on a fill-in basis. "She went to management and said, 'You can't do this,' and they blew her off. And so she said, 'If you won't solve it yourself, I am going to do it,' and so she reported it," White told the news service.

Landis is "very happy" and "feels vindicated," White said. She plans to retire, AP says. She worked for Hospice Care until late last year, reports The Wichita Business Journal.

"The settlement agreement includes no admission or determination of wrongdoing on behalf of Voyager HospiceCare or Hospice Care of Kansas," their parent, Austin, Texas-based **Harden Healthcare**, says in a release. "Moreover, the government questioned neither the quality of patient care provided by Hospice Care of Kansas' caregivers, nor were there any findings that [they] billed or received payments for services not rendered." Harden acquired the companies after the time period covered in the case, it says.

"This settlement shows that the Department of Justice will not tolerate hospice providers that attempt to maximize their profits at the expense of their legal and ethical obligations to the Medicare program, taxpayers, and beneficiaries," **Stuart Delery**, Acting Assistant Attorney General for the DOJ's Civil Division, says in the release.

Hospice Care of Kansas has 20 locations in the state, and one location in Missouri as **Hospice Care of the Midwest**, it says on its website.