

## Eli's Hospice Insider

### HIPAA: Privacy Violations Compound Fraud Penalties

#### Government prosecutors add HIPAA charges.

If a new **Department of Justice** conviction and guilty plea are any indications of what the future holds, fraudsters could be adding years to their prison sentences by misusing protected health information in their schemes.

Example #1: Prosecutors recently secured the conviction of **Helene Michel**, owner of **Medical Solutions Management Inc.** in Hicksville, N.Y., who illegally collected \$10.7 million by using stolen nursing home patients' Medicare information to submit fraudulent claims. But unlike previous convictions of a similar nature, the DOJ added on a HIPAA indictment due to her violation of the HIPAA laws, since she wrongfully disclosed patient information as part of her scheme.

"The defendant showed no regard for patients' privacy rights when she stole their personal identity information to file false medical claims," says **FBI** Assistant Director-in-Charge **Janice K. Fedarcyk** in a release. "She padded her own pockets at the expense of the Medicare kitty. The verdict today should serve as a warning to those who disregard privacy laws to defraud publicly funded programs meant to help our seniors."

Example #2: In addition to fraud, a Virginia Medicaid home care provider pled guilty to identity theft, the DOJ says in a release. **Janice Holland** of **A Caring Hand Home Health Care Services Inc.** in Suffolk filed claims representing that A Caring Hand had furnished respite care to 30 Medicaid recipients, when no such care had been provided. Holland used benes' names, dates of birth and Medicaid identification numbers without authorization.

"Holland will receive a mandatory term of two years in prison for aggravated identity theft that will run consecutively to the term imposed by the Court on the other charges," the DOJ notes.