

## Health Information Compliance Alert

### Industry News: Safeguard Services Case Exposes Home Health Fraud

Agency lands in hot water for misdeeds, including paying claims fast without verifying them.

On Dec 9, **Yosvany Collera**, 37, of Miami, FL, and **Belkis Camara** Marquez, 36, of Sunrise " both linked to a Miami home care agency -- were arrested by feds on charges of attempting to bribe a Medicare contractor investigating complaints of fraud, waste and abuse.

According to the criminal affidavit filed, the Medicare contractor, **Safeguard Services** (SGS), a Program Safeguard Contractor with the **Centers for Medicare and Medicaid Services** (CMS) and the Zone Program Integrity Contractor for Florida, had suspended payments to Collera's home care agency, **Lazaro Home Health Care**, after unearthing misinterpretation to the tune of millions of dollars in claims. Put in numbers, from 2006 through August 2009, Lazaro submitted a total of approximately \$10,467,300 in claims for reimbursement to Medicare for home health services purportedly provided to Medicare beneficiaries. Medicare paid a total of approximately \$7,002,997 on those claims.

SGS suspended Lazaro's Medicare payments and provider number following a determination that overpayments had been made, misrepresentations had occurred in claims submissions, and that certain other payments were not correct.

On realizing that he was being cornered, Collera recruited Camara in October to contact an SGS employee to offer money to sweep the home care provider's problems under the carpet. The bribe: \$5,000. Collera in turn contacted the SGS employee with the offer if the employee would help Collera clear up his company's problems.

On November 13, 2009, Collera and Camara met with the SGS employee at a bookstore in Sunrise. During this meeting, Collera told the SGS employee that to solve Collera's problems his Medicare provider number would have to be restored and his payment suspension lifted. On striking the deal, Collera handed over \$2,500 to the SGS employee with the promise that the remaining amount would be delivered once the job was done.

According to **John V. Gillies**, special agent in charge of the Miami Office of the FBI, "This case shows the lengths criminals will go to commit healthcare fraud and how important it is to suspend Medicare payments as soon as possible. The FBI will continue to work with our partners to bring to justice those that are stealing U.S. taxpayers' money and make medical care more expensive for all of us."

This is the first prosecution in the Southern District of Florida involving attempted bribery of a Medicare Program Safeguard Contractor; the case is still being debated.

Editor's note: A copy of the press release of this case is posted on the Web site of the United States Attorney's Office for the Southern District of Florida at: [www.usdoj.gov/usao/fls](http://www.usdoj.gov/usao/fls). Related court documents and information may be found on the Web site of the District Court for the Southern District of Florida at [www.flsd.uscourts.gov](http://www.flsd.uscourts.gov) or on <http://pacer.flsd.uscourts.gov>.