Home Care Need to Know ~ Agencies ~
How Home Health Agencies Ensure Service Referrals are Legal

The Basics

Home health is an essential part of the care continuum in Massachusetts, and home care agencies strive to provide quality care and comply with Medicare policy. Recently, several prominent fraud and abuse investigations focused attention on issues related to Federal Anti-kickback and False Claims liability.

What’s Being Done

In response, regulators are increasingly investigating questionable or fraudulent practices related to a home health agency’s relationships or activities with potential referral sources. All home health care agencies should be aware that the following practices are prohibited or suspect and should be carefully evaluated to assure compliance with laws:

- Using or paying patient recruiters;
- Falsifying medical records;
- Encouraging beneficiaries to seek unnecessary services (i.e., providing daily insulin injection services to patients capable of self-injection);
- Inflating therapy evaluations or needs to assure a higher case mix payment;
- Paying a fee to secure referrals;
- Offering inducements to steer referrals, such as:
  - Making a cash payment per referral;
  - Paying medical director fees, when, in fact, little or no services were performed.
  - Hiring or making payments to a relative of a physician or person who can influence referrals;
  - Offering a provider personnel paid by the home health agency to cover certain shifts, perform selected provider functions or manage the discharge process;
  - Overpaying referring providers for goods or services, e.g., renting space at a higher-than-market prices; and
  - Free fax machines or copiers.
- Certifying clients as “homebound” who are capable of seeking medical treatment outside the home without significant or taxing effort.
- Employing person who is excluded from participating in any Federal health care program;
- Billing for services provided person who has a lapsed license;
- Failing to report overpayments in 60 days.

For additional information, visit the OIG’s Home Health Portfolio at: www.oig.hhs.gov/reports-and-publications/portfolio/home-health/

How to Report Fraud

The member agencies of the Home Care Alliance of Massachusetts have a zero-tolerance policy for fraudulent or dishonest activity, whether it occurs via incompetence or criminal intent. Any suspect activity can be reported to the following sources:

**Medicare Home Health:**
US Dept. of Health & Human Services - Office of Inspector General
Ph: (800) 447-8477
Fx: (800) 223-2164 (10 pages max)
hstips@oig.hhs.gov
www.oig.hhs.gov/fraud/hotline

**Medicaid/MassHealth Home Health**
MA Attorney General Healthcare Hotline: (888) 830-6277
http://www.mass.gov/ago/consumer-resources/consumer-assistance/

**MA State Auditor Fraud & Waste Hotline:** (617) 727-6771
http://www.mass.gov/audit/or/report-fraud-and-waste.html

**Private Pay Home Care:**
MA Attorney General Consumer Hotline: (617) 727-8400 or (617) 727-4765 TTY
Elder Hotline: (888) 243-5337

About the Alliance

The Home Care Alliance of Massachusetts is a non-profit trade association of home care agencies that promotes home care as an integral part of the health care delivery system. Founded in 1969, it represents nearly 200 home care agencies from all corners of Massachusetts.

To learn more about the Alliance, its members, and the home care industry in Massachusetts, visit us at www.thinkhomecare.org.