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The Not-so-good Good Samaritans

By Ed Campell

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This story is an example of how the Senior Medicare Patrol (SMP) program is designed to work. The SMP mission is to empower and assist Medicare beneficiaries, their families, and caregivers to prevent, detect, and report health care fraud, errors, and abuse through outreach, counseling, and education.

The involvement of the Senior Medicare Patrol of New Jersey began at an educational presentation where Project Director Charles Clarkson told the audience to beware of fraud. He said that it was extremely important for them to examine their Medicare Summary Notices (MSNs) and to ask questions about anything that seemed strange.

A couple of months after the presentation, I received a call from a beneficiary, Jane (not her real name), who had been in Charles' audience. She just finished reviewing her MSN and had questions about the high cost of some of the tests she had the previous month. A person from an organization called The Good Samaritans of New Jersey had spoken about how gene testing would be beneficial and that it would not cost her anything since Medicare would pay. The speaker said that the results of the gene tests would allow her doctor to choose drugs that would be effective in all of her treatments. All that was required from the beneficiary was to allow a swab of the inside of the cheek to be taken. Jane had agreed to the testing but was now having second thoughts and decided to check with us.

Genetic testing is a Medicare-covered service in a very limited number of cases. There are medical diagnoses relating to some types of cancers requiring chemotherapy, some forms of inherited cardiac disease, and some types of psychiatric treatment with drugs whose genetic tests may be covered by Medicare. This coverage is only when the patient has one of a relatively small list of diagnoses. In these instances, the testing must be ordered by a physician who is treating the patient for one of these problems.

It appears that beneficiaries such as Jane had no such diagnoses. The Good Samaritans were paying providers who, without seeing the patient, were ordering the tests. A press release from the New Jersey U.S. Attorney's Office announcing the arrest of a representative of The Good Samaritans said that some of these people were recruited from ads on Craigslist.

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After Jane sent us her MSN and we verified the facts of her complaint, we asked if there were any of the other residents in her senior housing facility who would be willing to send in their MSNs. The SMP contacted these beneficiaries and we received a number of MSNs. In all cases, we found the same physician's assistant (PA) had ordered the testing. This, of course, was very suspicious. It was pretty clear that this PA had no basis for ordering genetic tests on patients never seen or examined.

Our next step was to incorporate a warning to seniors in our scheduled presentation events. Afterwards, the SMP received calls from across the state about the testing of beneficiaries in senior residences.

With the volume of MSNs growing, we suspected that this was a large case of Medicare fraud. We then referred these cases to the Office of Inspector General (OIG) through SIRS (SMP Information and Reporting System). As we had a contact within the Centers for Medicare & Medicaid Services (CMS) Center for Program Integrity who was a member of our SMP Advisory Committee, Jean Stone, we also referred the case to her. Because of this subsequent referral, the New Jersey U.S. Attorney's Office became involved and, in a relatively short time, the first arrest was made of the head of The Good Samaritans of New Jersey; that case is still pending. Recently, another person involved in this scam entered a guilty plea and agreed to make restitution of over \$50,000 for her part in the scheme. We sent a copy of this plea agreement to all of our colleagues through the SMP listserv.

It appears that there were plans to spread the scheme on to other states when the first arrests were made. The investigation is ongoing and we can expect to hear more about this scam in the future. As an SMP, we are hopeful of more restitutions so that we can claim credit for returning sums received from fraudulent schemes back to the Medicare Trust Fund. ●