

## **Minnesota Department of Human Services**

### **Module 8: Fraud**

Some examples of fraud investigated by DHS include the following:

1. A person complained that she had not received services from her PCA agency for three months. However, the PCA agency received payment for more than 700 hours of service for those same three months. The individual stated that she signed blank timecards on some occasions.
2. A mother had a child receiving PCA services. The mother admitted to the Surveillance and Integrity Review Section (SIRS) that she proposed an arrangement where she and the PCA shared the state's payment for services. The mother signed time cards even when the PCA did not provide services. DHS recovered over \$4500 in fraudulent payments.
3. A PCA agency claimed hours for services to seven people on dates when all seven people were in the hospital. People receiving PCA services are not eligible for PCA services during a hospital stay.

Under Minnesota law, theft of any amount of public funds is a felony. PCA service is publicly funded through the state's Medical Assistance program. Both state and federal taxes fund PCA services. PCAs also have a duty to all of the state's taxpayers and citizens.

You are breaking the law if you claim even one hour of PCA services on your time card that you did not provide. This means you must be accurate in the hours of service you report on your time card.

To avoid fraudulent behavior, only document hours of work:

- When you are present in your role as a PCA
- When you engage in PCA work activity based on the care plan

Do not:

- Accept money when you have not done the work
- Add hours of PCA service after the person has signed the form
- Ask the person to sign a partially completed time card so the person is unable to verify the hours worked before the time card is submitted
- Claim more hours of work with the understanding that the hours will be made up at a later date
- Fill out a time card for days you do not provide any PCA services (for example, the person receiving services is in the hospital or nursing home)

A PCA cannot claim hours for work if the person receiving services is at the PCA's home. If the person chooses to visit the PCA in the PCA's home, the visit must occur outside of the PCA's hours of work with that person. The PCA cannot claim hours worked if the PCA is in the person's home but taking care of the PCA's children.

There are severe penalties for falsely claiming hours worked. You may be:

- Disqualified from working at a job that receives Medicare and Medicaid funding which includes Minnesota Medical Assistance for five years
- Fired by your employer
- Prosecuted and convicted of fraud which may affect other jobs in the future
- Required to repay the money
- Sent to jail
- Unable to apply for and receive low-income housing assistance
- Impacted by a change in your immigration status

The Minnesota Department of Human Services has an area responsible to look for and investigate suspected fraud. The Surveillance and Integrity Review Section (SIRS):

- Conducts post-payment review of claims to determine the accuracy of the payment
- Investigates reports received on the SIRS Hotline
- Measures performance and quality of services provided by DHS

SIRS may impose sanctions for confirmed fraud and abuse on both PCAs and PCA agencies. SIRS turns cases over to the Medicaid Fraud Control Unit (MFCU) that is part of the Office of the Attorney General.

When you enroll as a PCA with DHS, you must sign a Provider Agreement for Individual Personal Care Assistant form. Your signature indicates you are agreeing to help the Medicaid Fraud Control Unit and to give details on payments claimed for services under the Medical Assistance program.

You should always report any suspected improper billing practices to the DHS Surveillance and Integrity Review Hotline. SIRS does not share the names of callers.

**SIRS contact information:**

**Telephone (651) 431-2650 or 1 (800) 657-3750**

**Fax (651) 431-7569**

**E-mail [DHS.SIRS@state.mn.us](mailto:DHS.SIRS@state.mn.us).**

Report any doubtful activity you become aware of or quality of care issues to the SIRS Hotline. SIRS does not share the names of callers so you are safe from the person or agency you are reporting. The toll-free number is (800) 657-3750.

The Medicaid Fraud Control Unit is a part of the Minnesota Attorney General's Office. This group of attorney's and investigators prosecute people they think fraudulently spend Medicaid or Medical Assistance funds.

Every time you sign your time card you are also indicating that you acknowledge that: It is a federal crime to provide false information on PCA billings for Medical Assistance payment. Your signature verifies the time and service entered are accurate and that the services were performed as specified in the PCA Care Plan.

SIRS may impose sanctions for confirmed fraud and abuse on PCAs and PCA agencies. SIRS turns cases over to the Medicaid Fraud Control Unit (MFCU) that is part of the Office of the Minnesota Attorney General for criminal prosecution.

Minnesota Statutes provide that “theft of public funds” no matter what the amount is a felony – that means billing for one unit of PCA services not provided is a felony.