



Age + Action

June 17–20, 2019 | Washington, DC

ncoa
National Council on Aging

Fraud Smarts: Helping Older Adults Avoid Financial Exploitation

Jennifer Trussell | Jenefer Duane | June 19, 2019

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Presentation Overview

National Health Care Spending

Types of Health Care Fraud

Inpatient Fraud Trends

Outpatient Services

Special Categories of Fraud

Deter, Detect, Report to the SMP

Personal Consequences of Health Care Fraud



Medical Identity Theft



Health and Emotional
Impact



Financial Losses

Types of Health Care Fraud

Medically Unnecessary Services

Upcoding and Overcharging

Misrepresentation

Billing For Services Not Rendered

Cyber Fraud (including Medical Identity Theft)

Kickbacks and Conspiracies

Patient Harm

Hospital/Inpatient Services

Medicare Part A

Primary areas of concern:

- ü Inpatient Hospital Care
- ü Outpatient Surgery Centers
- ü Oncology
- ü Skilled Nursing Facilities
- ü Home Health
- ü Hospice

Skilled Nursing Facilities

- ü **Medically unnecessary therapy (PT, OT, and SLP)**
 - ü Can result in unnecessary and unwanted end-of-life care
- ü **Theft of needed pain and other medications from patients**
 - ü Few integrity safeguards
 - ü Counterfeit and expired drugs through secondary wholesalers
- ü **Neglect and abuse**
 - ü Photographs posted to social networking sites

Home Health Services

- ü **Criminal Enterprises and patient co-conspirators**
 - ü Shift from home health to hospice
- ü **Abuse, neglect, and embezzlement**
- ü **Social targeting (often of immigrants & ethnic groups)**
 - ü Referrals from interpreters & lawyers
- ü **Significant increase in Personal Care Attendant exclusions**

Hospice Services

- ü Early or false diagnosis of terminal illness
- ü Patient or family involvement in the fraud scheme
- ü Door-to-door solicitation by sham religious entities
- ü Adult daycare, homemaker, or housekeeping services

Outpatient/Clinical Services Medicare Part B

Primary areas of concern:

- ü Physician Services
- ü Mental Health Services
- ü Diagnostic Lab and Radiology
- ü Durable Medical Equipment (DME)

Diagnostic Testing

- ü Radiology Services
- ü Urine Drug Screens
- ü Genetic Testing
- ü Direct to Consumer (DTC)
Marketing

Durable Medical Equipment (DME)

- ü Wheelchairs
- ü Custom Orthotics & Ortho Kits
- ü Adult Diapers
- ü Oxygen
- ü Mattresses
- ü Nutrition Supplies
- ü Braces and Orthotics
- ü Diabetic Testing Strips



April 2019 – DOJ Press Release

JUSTICE NEWS

Department of Justice

Office of Public Affairs

FOR IMMEDIATE RELEASE

Tuesday, April 9, 2019

Federal Indictments & Law Enforcement Actions in One of the Largest Health Care Fraud Schemes Involving Telemedicine and Durable Medical Equipment Marketing Executives Results in Charges Against 24 Individuals Responsible for Over \$1.2 Billion in Losses

Hundreds of Thousands of Elderly and/or Disabled Patients Nationwide and Abroad Lured into Criminal Scheme; Center for Program Integrity, Center for Medicare Services, Takes Administrative Action Against 130 DME Companies That Submitted Over \$1.7 Billion



Medicare Advantage Medicare Part C



THE UNITED STATES
DEPARTMENT *of* JUSTICE

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JUSTICE NEWS

Department of Justice

Office of Public Affairs

FOR IMMEDIATE RELEASE

Monday, October 1, 2018

Medicare Advantage Provider to Pay \$270 Million to Settle False Claims Act Liabilities

HealthCare Partners Holdings LLC, doing business as DaVita Medical Holdings LLC (DaVita), has agreed to pay \$270 million to resolve its False Claims Act liability for providing inaccurate information that caused Medicare Advantage Plans to receive inflated Medicare payments, the Justice Department announced today. DaVita is headquartered in El Segundo, California.

Prescription Drugs

Medicare Part D

- ü Shift from controlled drugs to highly reimbursed non-controlled
- ü Concern regarding specialty and orphan drugs
- ü Diabetic drugs pushed for weight loss
- ü Compounded drugs
- ü Controlled drugs including detox drugs
- ü Potentiators (anti-psychotics, HIV meds, neurologics)
- ü Medical marijuana and CBD products



Special Categories

Cyber Fraud (including Medical Identity Theft)

Kickbacks and Conspiracies

Patient Harm

JUSTICE NEWS

Department of Justice

Office of Public Affairs

FOR IMMEDIATE RELEASE

Wednesday, October 13, 2010

73 Members and Associates of Organized Crime Enterprise, Others Indicted for Health Care Fraud Crimes Involving More Than \$163 Million

Indictments in Five States – California, Georgia, New Mexico, New York and Ohio

Medical Identity Theft

- ü Medical ID is often more valuable than a stolen credit card
- ü Telemarketing and robocalls
- ü Patient co-conspirators
- ü Criminal enterprises from cybercrime to clinics

Telemedicine

- ü Psychiatric care & DME
- ü Internet pharmacy
- ü Call center schemes
involving criminal
enterprises
- ü Brokers
- ü Robocalls
- ü Medical identity theft



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.



Step 1: **Protect** Yourself & Others from Medicare Fraud

DO

- Do treat your Medicare card and number like your credit card.
- Do watch out for identity theft.
- Do be aware that Medicare doesn't call or visit to sell you anything.
- Do be cautious of offers for "free" medical services.
- Do **pass it on!**

DON'T

- Don't give out your Medicare number except to your doctor or other Medicare provider.
- Don't carry your Medicare card unless you will need it.



Step 2: Detect Medicare Fraud & Abuse

Review **Medicare Summary Notices (MSNs)** and other statements for:

- ü Services you didn't receive
- ü Double billing
- ü Services not ordered by your doctor



Step 3: Report Suspected Medicare Fraud & Abuse



- ü Call the provider
- ü Gather information and documentation
- ü **Contact your SMP**
 - ü This is a free and confidential service

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Contact your State SMP



Visit us online:

- ✓ www.smpresource.org

Call nationwide toll-free: 877-808-2468

- ✓ To report suspected health care fraud/abuse
- ✓ For training, speakers, and/or materials
- ✓ To volunteer with the SMP program

This presentation was supported, in part, by grant numbers 90SATC0001 and 90MPRC0001 from the U.S. Administration for Community Living, Department of Health and Human Services, Washington, D.C. 20201.

Protect Yourself and loved ones from Medicare fraud

Senior Medicare Patrols (SMPs) empower and assist Medicare beneficiaries, their families, and caregivers to prevent, detect, and report health care fraud, errors, and abuse.



Find Help in Your State

June 2019



MONEY SMART

for Older Adults

WELCOME



Jenefer Duane

Senior Program Analyst

Office for Older Americans

Consumer Financial Protection Bureau

DISCLAIMER

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This document was used in support of a live discussion. As such, it does not necessarily express the entirety of that discussion nor the relative emphasis of topics therein.

ABOUT THE CFPB

The Consumer Financial Protection Bureau regulates the offering and provision of consumer financial products and services under the Federal consumer financial laws, and educates and empowers consumers to make better informed financial decisions.

OFFICE FOR OLDER AMERICANS

The Bureau's Office for Older Americans works to improve financial security for older consumers. The Office creates resources to help older adults, those that serve them, and their financial caregivers.

What we do:

- We lead initiatives to help protect older people from financial harm.
- We create tools and resources to support sound financial decision-making that safeguards later-life economic security.
- We offer a variety of resources that you can use or view online, download, or order in bulk, all for free.

Visit consumerfinance.gov/olderamericans

WHAT DO YOU KNOW?



What is elder
financial exploitation?

WHAT IS ELDER FINANCIAL EXPLOITATION?



- Fraudulent or otherwise illegal, unauthorized, or improper act or process of an individual that uses the resources of an older person for personal benefit, profit or gain
- Actions that result in depriving an older person of rightful access to, or use of benefits, resources, belongings, or assets

WHO IS AT RISK?



Anyone can be the victim of financial exploitation.

Elder financial exploitation crosses all social, educational, and economic boundaries.

WHY ARE OLDER ADULTS AT RISK?



Some older adults may:

- Have regular income and accumulated assets
- Be trusting and polite
- Be lonely and socially isolated
- Be vulnerable due to grief from a loss
- Be reluctant to report exploitation by a family member, caregiver, or someone they depend on
- Be dependent on support from a family member or caregiver to remain independent

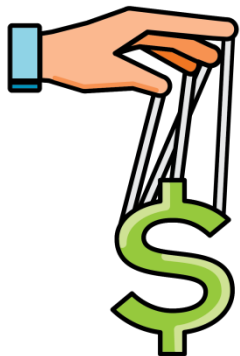
WHY ARE OLDER ADULTS AT RISK? (cont.)



Some older adults may:

- Be receiving care from a person with financial or other issues
- Fear retaliation by the exploiter
- Be unfamiliar with managing financial matters
- Not have planned for the potential loss of decision-making capacity
- Be cognitively impaired with diminished ability to make financial decisions or detect a fraud or scam
- Be dependent on a family member or another person who may pressure them for money

EXAMPLES OF FINANCIAL EXPLOITATION



Exploitation by an agent under a POA or person in another fiduciary relationship



Investment fraud and scams



Theft of money or property by family members, caregivers, or in-home helpers

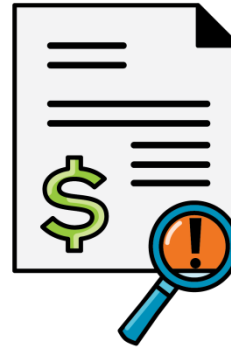


Lottery and sweepstakes scams

EXAMPLES OF FINANCIAL EXPLOITATION (cont.)



Grandparent/
Imposter scams



Tax and debt
collection scams



Charity scams



Telemarketer, mail
offer or
salesperson
scams

EXAMPLES OF FINANCIAL EXPLOITATION (cont.)



Telephone, computer, and internet scams



Identify theft



Reverse mortgage fraud

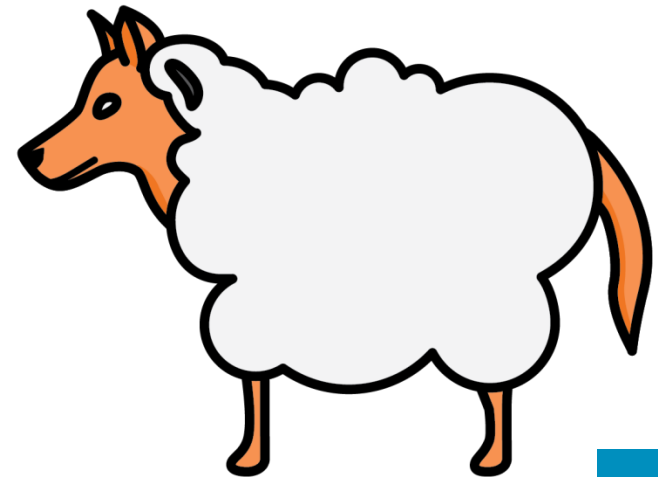


Contractor fraud and home improvement scams

WHO ARE THE ABUSERS?

People you know

- Family members and caregivers
- Friends, neighbors or acquaintances
- Agents under a power of attorney
- Financial advisers



WHO ARE THE ABUSERS?

Strangers

- Telephone and mail scammers
- Internet scammers
- Home repair contractors
- Medicare scam operators
- Others

WHY DON'T OLDER ADULTS REPORT EXPLOITATION?

- Shame and embarrassment
- Loyalty to a family member or caregiver
- Fear of retaliation or not being believed
- Dependence on the abuser
- Denial
- Self-blame
- Lack of awareness

WHO CAN HELP?

Adult Protective Services

For elder abuse, contact Adult Protective Services.

Find contact information eldercare.gov or

call 1-800-677-1116.

Local Police - 911

If someone is in danger or a crime has been committed, call the police.

MONEY SMART FOR OLDER ADULTS (MSOA)

Developed jointly by FDIC and CFPB as an instructor led training.

- **Raises** awareness on how to prevent elder financial exploitation.
- **Encourages** planning and informed financial decision-making.

PROGRAM OBJECTIVES

- Recognize and reduce the risk of elder financial exploitation
- Guard against identity theft
- Plan for unexpected loss of the ability to manage your finances
- Prepare financially for disasters
- Find other helpful resources on managing money and reporting financial exploitation

MSOA TOPICS

- Common Types of Financial Exploitation
- Scams that Target Homeowners
- Scams Targeting Veterans
- Planning for Unexpected Life Events
- How to Be Financially Prepared for Disasters

CURRICULA COMPONENTS

- The **Instructor Guide** is fully scripted enabling professionals from many disciplines to begin teaching the module right away.
- The **Resource Guide** is designed to support classroom instruction by providing key takeaways and can also be distributed to older persons and others on its own.
- The **PowerPoint** presentation that supplements classroom instruction.

RESOURCE GUIDE

Contains:

- Information and activities to help learn the material
- Tools and instructions to complete the activities
- A glossary of the terms
- Resources on managing money and reporting financial exploitation
- Serves as a stand alone handout for distribution to older people and others

INSTRUCTOR GUIDE

- Presentation Planning Guide
- Icon Guide
- Module Overview
- Activities
- Scams
- Summary and Post-Tests
- Evaluation Form
- Glossary

IMAGE OF INSTRUCTOR GUIDE



CHECKING IN 5 minutes

Instructor: For presentations longer than 90 minutes – please build in a 10 minute break.

Record participants' expectations, questions, and concerns on chart paper. If there is anything you won't teach, tell participants where the information can be obtained (e.g., another module, a website). Check off their responses at the end of the training to show the lesson content met their expectations.



Slide 1

Welcome

Welcome to *Money Smart for Older Adults*. By taking this module, you'll learn important points to consider in planning for a more secure financial future, including how to guard against identity theft and other forms of financial exploitation, as well as how to prepare financially for unexpected life events, and disasters.

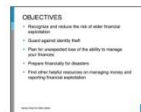


Slide 2

Introductions

Before we get started, I will share a little about myself and ask you to share what you hope to learn in this session.

If you have experience or knowledge in some aspect of the material, please share your ideas with the class. One of the best ways to learn is from each other. You might be aware of some method that has worked well for you or some pitfall to avoid. Your contribution to the class will make the learning experience that much better. If something is not clear, please ask questions!



Slide 3

Objectives

After completing this module, you will be better able to:

- Recognize and reduce the risk of elder financial exploitation
- Guard against identity theft
- Plan for loss of your ability to manage your finances
- Prepare financially for disasters
- Find other helpful resources for managing your money and reporting financial exploitation

Participant Materials

Instructor: Review Resource Guide contents and organization with participants.

Each of you has a copy of the *Money Smart for Older Adults Resource Guide*. It contains:

- Information on how to identify and report financial exploitation
- Resources and information on protecting your assets
- Activities to help you learn the material
- A glossary of terms used in this module



What questions do you have about the module overview?



EXAMPLE WAYS TO ENGAGE

- Identify and coordinate opportunities for presentations including theme months e.g. World Elder Abuse Awareness Day, Older Americans Month etc.
- Train others to present MSOA to seniors
- Establish an outreach effort to support independence and reduce isolation of older people in your community
- Facilitate a convening for other stakeholders to discuss elder abuse and financial exploitation

EXAMPLE WAYS TO ENGAGE

- Increase own self-awareness
- Share awareness with family, friends, neighbors, congregation, etc.
- Join an older adult financial fraud prevention network
- Distribute information/resources in your community

A RESOURCE GUIDE FOR NETWORKS

August 2016

A Resource Guide for
Elder Financial
Exploitation Prevention
and Response Networks



Tips and resources on:

- Steps for starting a network
- Funding and sustainability
- Traits of successful network coordinators
- Organizing effective meetings
- Education and case review

Managing Someone Else's Money guides



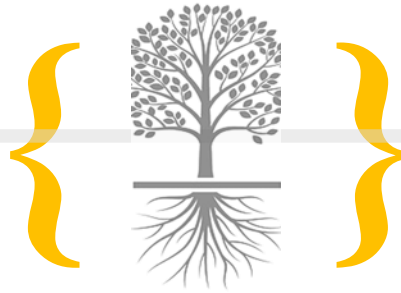
- Help for financial caregivers handling the finances for a family member or friend who is incapacitated
- Guides for four common types of financial caregivers:
 - Agents under a Power of attorney
 - Guardians and conservators
 - Trustees
 - Social Security and Department of Veterans Affairs (VA) representatives
- Includes tips on protecting assets from fraud and scams.
- Available in English and Spanish

CFPB RESOURCES

- Visit us: consumerfinance.gov/olderamericans
 - Join our mailing list for news and updates on resources
 - Order materials in bulk
 - Contact us olderamericans@cfpb.gov

QUESTIONS?

Thank You!



Like what you heard? Share it!



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Vote in the conference poll