

Substandard Nursing Home Care: Court Upholds Fraud Conviction.

The US District Court for the Western District of Pennsylvania upheld a nursing home operator's conviction for violating the US health care fraud statute.

Whoever knowingly and willfully executes, or attempts to execute, a scheme or artifice —

(1) To defraud any health care benefit program, or

(2) To obtain by means of false or fraudulent pretenses, representations, or promises, any of the money or property ... of any health care benefit program, in connection with the delivery of or payment for health care benefits ... or services ... shall be fined ... or imprisoned ... or both.

UNITED STATES DISTRICT COURT
PENNSYLVANIA
April 12, 2006

The court said the evidence went beyond a mere failure to provide the standard of care required by Federal nursing-home regulations, although in certain circumstances that can be considered a crime in and of itself.

In this case, the court said, the nursing home operator went to considerable lengths by falsifying residents' treatment records to conceal the fact that required care was not being furnished.

It was the intentional falsification of records that justified prosecution for health-care fraud, the court ruled. ***US v. Bell, 2006 WL 952214 (W.D. Pa., April 12, 2006).***