

Report on Medicare Compliance Volume 29, Number 7. February 24, 2020

News Briefs: February 24, 2020

By Nina Youngstrom

◆ Guardian Elder Care Holdings Inc., which operates more than 50 skilled nursing facilities (SNFs) in Pennsylvania, Ohio and West Virginia, and its related companies will pay \$15.46 million to settle false claims allegations over medically unnecessary rehabilitation therapy, the Department of Justice (DOJ) said Feb. 19.^[1] According to the settlement, DOJ alleged the SNFs provided therapy services to Medicare and Federal Employee Health Benefit Program beneficiaries at the highest resource utilization group level (ultra high) when that level wasn't medically necessary from Jan. 1, 2011, to Dec. 31, 2017. The false claims lawsuit was set in motion by two former employees turned whistleblowers. "Relators generally alleged that Guardian Elder Care pressured its rehabilitation therapists to provide therapy services to meet financial targets and maximize revenue, without regard to clinical need," the settlement states. "For example, certain patients suffered from dementia and allegedly did not need or want rehabilitation therapy, but Guardian Elder Care allegedly pressured therapists to provide them with therapy anyway to meet revenue goals." The settlement also says Guardian disclosed to the government on Sept. 26, 2018, and Oct. 12, 2018, that it provided certain services to Medicare beneficiaries through two people who were excluded from Medicare, one who worked at a Guardian facility for five days and the other who worked part-time at a Guardian facility for eight years. In a statement, Patricia McGillan, Guardian Elder Care's chief compliance officer, said "Resident care remains our first priority and we are committed to meeting our obligations under this agreement. We are confident that Guardian's Corporate Compliance Program advocates for our patients, their families and caregivers."

This document is only available to subscribers. Please log in or purchase access.

[Purchase Login](#)