

## Report on Medicare Compliance Volume 33, Number 2. January 15, 2024

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◆ Atlantic Home Health Care LLC (AHH), which operates in Arizona and eight other states, has agreed to pay \$9.991 million to settle false claims allegations, the Department of Justice (DOJ) said Jan. 5.<sup>[1]</sup> DOJ alleged AHH submitted false claims to the Energy Employees Occupational Illness Compensation Program (aka the Energy Program), which is administered by the Department of Labor to benefit Department of Energy employees and contractors with occupational illnesses. The government alleged that between 2017 and 2021, “AHH falsely billed the Energy Program for in-home nursing and personal care when its employees were not physically present in patients’ homes” and “paid kickbacks, in the form of cash payments up to \$5,000 for patient referrals via its ‘friends and family program’ and in-kind payments for food, internet, travel and other expenses made to patients and their families.” DOJ noted that before learning about the false claims investigation, AHH made a voluntary disclosure to the HHS Office of Inspector General about the friends and family program and in-kind remuneration to patients and their families. AHH didn’t admit liability in the settlement. The false claims lawsuit was set in motion by a whistleblower, Tonya Cass, who was employed as the corporate administrator and director of human resource administration and management by AHH and its predecessor, Victory Medical Solutions, from September 2017 through January 2020. For her role in the case, Cass will get about \$1.7 million. AHH didn’t admit liability in the settlement.

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