

Report on Medicare Compliance Volume 28, Number 5. February 11, 2019 EHR Vendor Settles FCA Case for \$57M; Allegedly Caused Meaningful Use Overpayments

By Nina Youngstrom

As certification problems unfolded at Greenway Health, an electronic health record (EHR) software company, two employees with compliance responsibility talked about the implications for the providers who used its product, Prime Suite, for the EHR incentive payment program. Because Greenway allegedly had fudged its way into EHR meaningful use certification for Prime Suite, providers had unwittingly received money from Medicare and Medicaid under false pretenses.

The employees were worried about inaccurate calculations for the core measure on clinical summaries. “The good news is...it isn’t like it affects health,” one employee, a manager, wrote in an instant messaging program, according to a False Claims Act complaint filed by the Department of Justice (DOJ) against Tampa, Florida-based Greenway. “It just affects \$\$\$.” His colleague agreed. “No patients are jeopardized. Just incentive money.” But he was increasingly uneasy about something else too—the accuracy of user attestation data in the Prime cloud —“because it means that everyday necessitates being shifty and what I ultimately feel is dishonest. Basically for a year I’ve been point man on what slithery options we have forced our users into.”

Hand-wringing aside, Greenway allegedly allowed some providers who used Prime Suite to “submit inaccurate data in connection with applications for federal Meaningful Use funds,” causing them to submit false claims to the government by misrepresenting the capabilities of its software, the complaint alleged. Now Greenway has agreed to pay \$57.25 million to settle the false claims allegations, DOJ and the U.S. Attorney’s Office for the District of Vermont said Feb. 6. DOJ also alleged Greenway gave some users unlawful remuneration to recommend Prime Suite.

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