



# 'Care Share

**NOTE:** The article that appears below was published in the SMP New Jersey Advocate, the Asbury Park Press, the Daily Record (Morris County), and the Bergen Record (Bergen County) in April 2019. Several back brace cases received by the Montana SMP have been turned over for active investigation to the OIG and Montana US Attorney's Office. *The article below will help you understand the full scope of the fraud and encourage people affected to report any concerns to the Montana SMP at 1-800-551-3191.*

## **David P. Willis: NJ woman sent back brace she didn't need; your Medicare taxes paid for it**

Asbury Park Press (NJ)

April 01--Apr. 1--Usually, Doris Horn won't answer her telephone when she knows annoying "robocallers" are on the other end.

But this time, after receiving nearly two dozen calls over three days, she decided to pick up. The recorded message mentioned "we hear you need a brace," said Horn, of Parsippany-Troy Hills. She hung up without saying a word. "They said Medicare will pay for it," she added.

A few days later, Horn, 85, received a box full of medical braces, including back and knee braces that she did not order and did not need. She returned the box of braces, but found out that Medicare and her secondary insurance paid \$2,601 to Westside Medical Bracing based in Zephyrhills, Florida. Horn said she reported to authorities what she felt was an apparent scam on Medicare.

A representative of Westside Medical Bracing did not return telephone calls from Press on Your Side.

"I feel I was the victim of a scam when I received a box on my doorstep that I never ordered," Horn wrote in a complaint to the New Jersey Division of Consumer Affairs. The division forwarded the complaint to the Florida Department of

Agriculture and Consumer Services and the federal Centers for Medicare and Medicaid, a spokeswoman said.

A spokesman for the Florida consumer agency said it has not yet received Horn's complaint from New Jersey officials. In January, an Ohio woman also filed a consumer complaint in Florida against Westside Medical Bracing after her 86-year-old mother received a box of braces she did not order.

Westside has not responded to Florida officials regarding the complaint from Ohio, spokesman Max Flugrath said in an email. "We are still looking into the matter," he said. "Our investigation processes is underway."

Charles Clarkson, Project Director at Senior Medicare Patrol of New Jersey, said there has been an increase in calls from marketers touting free braces. The organization, which helps Medicare beneficiaries detect and report fraud, sent out a "scam alert" earlier this year.

Senior Medicare Patrol "is seeing many cases where Medicare beneficiaries are receiving braces (ankle, back, knee and neck) from out of the area providers and ordered by doctors or other providers that the beneficiary has neither heard of nor ever seen," according to the alert.

In an interview with Press on Your Side, Clarkson said braces can be sold at a "significant profit margin" and are paid for by Medicare. There are two requirements before Medicare pays: You will need to see a doctor who will determine that you have a medical need for the braces, and you'll need a prescription.

But the people who receive the braces in the mail have not seen a doctor or ordered the braces on their own. They don't need them, Clarkson said. "We are seeing this across the country," he said.

Medicare fraud costs taxpayers billions of dollars a year. Improper payments by Medicare in the fiscal year 2017 were estimated at \$52 billion, according

to a report by the U.S. [Government] Accountability Office, the government's watchdog. About \$1.4 billion was returned to the Medicare Trust Funds that year as a result of recoveries, fines and asset forfeitures.

Somehow companies are obtaining information about Medicare recipients, Clarkson said. "They are getting someone either through telemedicine or through some other means to sign off on the claim," Clarkson said. "These providers have never seen the patient and don't know the patient."

Last month, after Horn received the braces from Westside Medical Bracing, a box from a second medical braces supplier arrived at her door. Horn refused delivery, which she assumed contained more braces. She later received an explanation of benefits detailing that Medicare and her insurance paid the second supplier \$782. She reported the payment to Medicare.

The Centers for Medicare and Medicaid Services said it does not comment on health care providers or people who could be involved in any active investigation. "Protecting taxpayer funding, patient safety and access to approved and medically necessary Medicare benefits are top priorities for the agency," an agency spokesperson said. Horn said she did not know how Westside Medical Bracing or the second company obtained her personal information. "I never gave it out that I know of," she said.

After the braces from Westside came in the mail, Horn called the company and said she didn't order the equipment. She said she was told they would cancel the order and send a return label. She shipped the braces back before the label came in the mail.

Following her report to her secondary insurance, Government Health Association Inc., the company disallowed the claim from Westside, citing an "adjustment after review of additional information." It listed its payments as zero while Medicare still paid \$2,073, according to a March 4 Explanation of Benefits that Horn shared with Press on Your Side.

Horn's friend and neighbor, Mary Purzycki, has received robocalls – automated telephone solicitations, usually with friendly voiced recordings

and prompts for placing orders -- offering free braces, too. The pitch: "You have a Medicare-approved back brace that's waiting for you," Purzycki said.

Purzycki has helped Horn press her fight against the Medicare charges and contacted Press on Your Side about what happened.

"It just seems to me that your telephone is not even your own anymore. They literally stole our telephone from us because you don't answer the phone," she said. "I don't think anyone should be accepting it when it's such government waste of Medicare money, my money."

So what should you do if you receive these calls? According to Senior Medicare Patrol you should:

- \* Report receiving any braces not ordered as fraud to 1-800-MEDICARE as soon as possible.
- \* Contact the supplier about returning the braces. You should not have to pay for the return.
- \* If you return the item, make sure you have a mail receipt and tracking number.
- \* Check your Medicare Summary Notice to see the name of the ordering provider and be sure to tell 1-800-MEDICARE if you have never visited this person.
- \* Three to four weeks after you report the fraud to Medicare, you should receive an adjusted Medicare Summary Notice showing that Medicare has approved a zero dollar amount for the claim. It means that Medicare has [recouped] or will recoup payment.

\* Report the possible fraud to Senior Medicare Patrol of \*(Montana) by calling \*(1-800-551-3191).

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