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**NOTE:** The article that appears below was published in the *Asbury Park Press* on April 1, 2019. It later was published in the *Daily Record* (Morris County) and the *Bergen Record* (Bergen County). On April 9, federal prosecutors announced that they had dismantled one of the largest health care fraud schemes ever investigated by the FBI, charging 24 people in a \$1.2 billion alleged brace scam involving telemedicine and durable medical equipment companies. A number of people arrested are in New Jersey.

**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.

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(continued)

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."

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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 New Jersey by calling 1-877-767-4359.

Do you have a consumer problem that needs solving? Contact business writer David P. Willis: 732-643-4042; [pressonyourside@app.com](mailto:pressonyourside@app.com), [facebook.com/dpwillis732](https://facebook.com/dpwillis732), @dpwillis732 on Twitter.

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## **HOW TO HANDLE ROBOCALLS AND OTHER MATTERS**

By Edward Campell and Charles Clarkson, Senior Medicare Patrol of NJ

Robocalls are receiving more and more complaints by citizens in the U.S. In addition, the most frequent recent complaints to the Senior Medicare Patrol of New Jersey (SMP) have been about unordered and unneeded braces that Medicare will pay for or that have been sent to Medicare beneficiaries. The callers usually also complain of a never-ending stream of telephone calls trying to sell them something or attempting to obtain sensitive personal information. Unfortunately, there is no simple way to stop either of these. It is known that if someone answers the phone, the likelihood is that the number of these types of calls will increase. The SMP has compiled the following list of suggestions as the current best method of dealing with unwanted robocalls.

1. The best defense for these unwanted calls is to not answer the telephone if you have caller ID and do not recognize the telephone number. Let the call go to your answering machine. If the call is legitimate, the caller will leave a message. When you answer the telephone for a number you do not recognize, you are letting a stranger into your house. Resist the temptation to answer the telephone.
2. If you are not sure of the call and feel that you must answer it, pick up the telephone without saying anything for a few seconds. If the call is an illegal robocall (a call that is placed by a machine), there usually is no one on the other end until you say something. If no one speaks within 5 seconds, we recommend that you hang up the telephone.
3. Try call-blocking services such as Nomorobo and Hiya to block unsolicited robocalls to your home and/or cell phone. Nomorobo is a cloud-based service that hangs up on or blocks an illegal robocaller or telemarketer from calling the intended phone number. Hiya is a service that provides caller profile information to help consumers identify incoming calls and block unwanted ones.
4. If you do answer the call and it turns out to be a sales call or a scammer, immediately hang up the phone without saying anything else. Remember that it is illegal for anyone to make a robocall to you for sales unless a company gets your written permission. There are some exceptions: information-only calls such as flight cancellations, appointment reminders, or school closings; calls to collect a debt you owe; calls from or on behalf of politicians; calls from healthcare providers, such as pharmacies reminding you about a prescription; and messages from banks, telephone carriers, and charities as long as those entities make the calls themselves.
5. **DON'T** try to call a number back to complain; **DON'T** follow the caller's instructions such as press "2" to stop future calls. These tricks will probably lead to more calls.

6. **DON'T** say "yes." This scam is used to allow unauthorized charges to a credit card or some other agreement to purchase something you would never order on your own.

7. You should never provide nor confirm any personal information, such as your name, date of birth, or Medicare number to any unknown caller. Social Security and Medicare never call you out of the blue to ask you this type of information.

8. If you do receive unordered braces in the mail, it is almost certain that Medicare or some other insurance is paying for them. If you do not notify Medicare, the sender receives payment and it is charged to your account. It is imperative that you report this to fraud to Medicare to begin the process of recouping the funds from the suppliers who are involved in these types of shipments. You should also call the SMP at 732-777-1940 or the SMP hotline at 877-SMP-4359.

9. SMP has a fact sheet available that details how to handle the situation in which you receive braces that were either unordered or unneeded. It is available by request or on our website: [seniormedicarepatrolNJ.org](http://seniormedicarepatrolNJ.org).

The SMP has discovered a common fact pattern to those beneficiaries who have received back, knee, neck, ankle or other braces.

- The durable medical equipment provider is from out of state.
- The beneficiary has never seen or heard of the doctor or provider.
- The braces are not medically necessary.

Remember, these scams cost taxpayers millions of dollars each year. If, as beneficiaries, we do not report these scams, Medicare has less money to pay legitimate claims. We all have a stake in fighting Medicare fraud. It is important to PROTECT (yourself against Medicare fraud), DETECT (potential fraud, errors and abuse) and REPORT (suspected fraud, errors and abuse.)

#### **FRAUD ALERT: GENETIC TESTING**

The Senior Medicare Patrol of New Jersey (SMP) wants all seniors to be aware of a new scam that the SMP is seeing: Genetic testing.

With the current fad of people having their DNA tested to discover their cultural history and long-lost family members, Medicare beneficiaries are being led to believe that Medicare will pay for genetic testing. Companies are also touting these DNA tests as preventive services.

**BEWARE.** Medicare will pay for genetic tests only in very limited circumstances: 1) the test is medically necessary, 2) the test is ordered by the patient's physician or qualified practitioner, and 3) the test is accompanied by a copy of a signed consent form and medical record documentation.

Medicare does not cover screening services and does not cover tests to assess risk for and/or a condition unless it directly affects management of patient care.

**WORDS OF ADVICE.** If a beneficiary attends a social event or health fair where genetic testing (e.g. cheek swab) is being offered, DO NOT participate and certainly do not give anyone your Medicare number. Also, please call the SMP at 732-777-1940 or the hotline at 877-SMP-4359 to report this testing. Remember, picking a person at random to perform a genetic test is not “medically necessary” and is not “ordered by your doctor.” Therefore, it is not a Medicare-covered service.



### **ASK CHARLES**

**Q. Is there a way to determine whether a service or treatment is covered by Medicare?**

**A. Yes, there are a number of ways:**

- Go to [www.Medicare.gov](http://www.Medicare.gov) and search for the service or test.
- Download the Medicare app “What’s covered.” It is also available in Spanish. The “What’s covered” app delivers accurate cost and coverage information right on your smartphone. Now you can quickly see whether Medicare covers your service in the doctor’s office, the hospital, or anywhere else you use your phone. “What’s covered” is available for free on both the App Store and Google Play.
- Ask your doctor. He/she should be able to determine whether the service or test is covered. If your doctor believes that the service or test may not be covered, he/she should provide you with an Advanced Beneficiary Notice. Then you will know that if Medicare denies the claim you will be financially responsible for the cost.

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### **STAY CONNECTED**

The Senior Medicare Patrol of New Jersey has a website. You can reach our site at:

<http://seniormedicarepatrolnj.org/>



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**Serve your community; learn about Medicare by volunteering for the New Jersey Senior Medicare Patrol**

SMP of New Jersey is currently recruiting Volunteer Community Liaisons to speak to small groups of their peers and help provide Medicare education at community events.

The role of the Community Liaison is to share information that can help others PREVENT, DETECT, and REPORT Medicare fraud, waste, and abuse.

Free Training Available

For more information please contact Michelle Beley-Bianco,  
SMP Coordinator of Volunteers, 732-777-1940 or [michelleb@jfsmiddlesex.org](mailto:michelleb@jfsmiddlesex.org)

*SMP - Empowering Seniors to Prevent Medicare Fraud*

**Senior Medicare Patrol of New Jersey**

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