

# Safe Seniors

Newsletter for the Prevention of Elder Abuse and Consumer Fraud in San Diego County

## Health Fraud Impairs Medicare, Medi-Cal

In October, 20 Southern California defendants were charged in seven cases for allegedly participating in Medicare fraud schemes that resulted in more than \$26 million in fraudulent bills to the Medicare program. The charges outline criminal schemes involving the fraudulent ordering of power wheelchairs, orthotics (devices designed to assist with orthopedic problems) and hospital beds. This is just the most recent case in our state regarding Medicare theft.

Health care fraud perpetrators are stealing billions of dollars from the federal government, American taxpayers and especially our most vulnerable citizens. This not only drives up costs for everyone in the health care system, it hurts the long-term solvency of Medicare and Medicaid, two programs upon which millions of Americans depend.

Beneficiaries are reminded to beware of offers of free medical equipment, services or goods in exchange for their Medicare numbers. Beneficiaries are also encouraged to regularly review their Medicare Summary Notices, Explanation of Benefits statements and medical bills

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**The Elder Abuse  
Reporting Line:  
1-800-510-2020**

## Let No Good Deed Be Scammed

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Elder Law & Advocacy*

With the holidays and the dawn of a new year, many of us are filled with the generous spirit of the season. Unfortunately, our desire to aid the less fortunate during this time of year can result in a windfall for the unscrupulous scammer.

Looking to profit off feelings of good will, scammers often pose as charities and solicit donations for emotional causes such as children with life threatening diseases, wounded veterans, police and firefighters. In many instances, fraudsters will use a name similar to those of reputable charities hoping donors will not recognize the difference; for example the "American Cancer Research Society" instead of the legitimate "American Cancer Society." The scammers are also more aggressive than real charities; not satisfied to collect donations through letters or with red buckets, they will call you at home or come to your door.

In response to this upswing in charity scammers, Senior Shield, a

program of Elder Law & Advocacy, offers these tips for protecting yourself during this season of giving.

- To ensure your donation is going to real charities, check them out at the California Attorney General's Web site, <http://ag.ca.gov/charities> or on the Better Business Bureau's charity site <http://www.bbb.org/us/charity/>. Both sites provide searchable databases with information on charities, such as their BBB rating and whether they are current in their reporting requirements.
- Keep in mind that legitimate charities will not insist that you donate on the spot. They recognize that where you send your money is an important decision, and that you should have time to consider your decision. Scammers, on the other hand, often resort to high-pressure sales techniques, demanding you donate immediately.
- Never provide your checking, saving, or credit card account number to those seeking a donation, particularly if you are called at home. Chances are they are seeking much more than the few dollars you agreed

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## Caution Needed by Consumers

*From CA Department of Consumer Affairs*

**Scam #1:** "What a nice surprise," thought a consumer who found a \$9 check along with the Snuggie (blanket with sleeves) he had ordered. The nice surprise turned nasty a month later when he found a \$149 charge on his credit card for something called TLG Great Fun, reported on the Web site TheStreet.com. Apparently, the back of the check contained fine print saying that by cashing it the consumer

authorized transfer of his personal information to another company and agreed to enroll as a member of TLG Great Fun for a monthly fee. Consumers can file a complaint about the matter by contacting the California Attorney General's Office online at <http://ag.ca.gov/contact.php>. Meanwhile, the Better Business Bureau warns consumers not to cash checks from unknown parties.

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# Elder Abuse Prosecutions

## District Attorney's Office

**Emily Szyolo** — Pled guilty to burglary, theft from an elder/dependent adult over \$400, and impersonation. The 48-year-old defendant is a former dental office employee who accessed the accounts of primarily elderly patients to apply for fraudulent credit. Additionally, she cashed patients' checks. She worked for four different dental offices in the County as an office manager/receptionist. The total loss was approximately \$72,000. The defendant was sentenced to 5 years and 4 months in prison.

**Angel Gutierrez** — Pled guilty to false imprisonment of elder or dependent adult. The 25-year-old defendant was on parole when he attacked his 70-year-old mother. He punched her repeatedly in the face and threw her on the couch and continued to assault her, demanding money. The victim gave him \$20. When the defendant left, the victim locked the door and called for help. The defendant was sentenced to 3 years in prison.

**Eric Mendoza** — Pled guilty to willful cruelty to elder/dependent adult resulting in great bodily harm or death. The 38-year-old defendant was living rent free with his parents

and grandmother. Defendant didn't have a job and was supported by his 75-year-old mother who gave him an allowance. On the day of the crime, the defendant wanted more money. They struggled over his mother's purse and his mother fell against the grandmother's hospital bed and was injured. The defendant removed \$110 from her purse and left, threatening her that if he went to jail he would kill them. The defendant was sentenced to 5 years in prison.

**Benita Limon & Maria Guadalupe Magana** — Limon pled guilty to theft from an elder/dependent adult and grand theft; Magana pled guilty to grand theft. Both defendants were caregivers to the victim, age 73. The victim was bedridden due to a stroke and health problems and totally dependent on her caregivers. Magana was the original caregiver for the victim who convinced her to hire Limon. In early 2008, the victim discovered that Magana was stealing from her. Both defendants committed credit card theft and check fraud. As a result of the crimes, the victim is now afraid to trust anyone but her family and has had to abandon her wish of living independently. She had another stroke after the investigation began. Limon was sentenced to 365 days in jail and 3 years formal probation; Magana was sentenced to 32 months in prison. They were each ordered to pay \$25,000 in restitution.

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for suspicious charges and to report suspected problems.

In 2008, officials from the Department of Justice (DOJ), the Health and Human Services (HHS) Office of the Inspector General, and the Centers for Medicare and Medicaid Services (CMS) worked together through the criminal and civil systems to secure 588 criminal convictions, obtain 337 civil administrative actions against individuals and organizations who were committing Medicare Fraud, and recovered more than a billion dollars in health care fraud monies under the False Claims Act. In fiscal year 2009, the Department of Justice has already recovered nearly a billion dollars in health care fraud monies and recorded 300 convictions.

Here are some additional actions being taken federally to try to tackle this mounting problem:

**Creation of Health Care Fraud Prevention & Enforcement Action Team (HEAT)** made up of top-level law enforcement and professional staff from the Department of Justice and the Department of HHS and their operating divisions, dedicated to joint efforts across government to both prevent fraud and enforce current anti-fraud laws around the country. The HEAT team will meet bi-weekly.

**Expansion of the Department of Justice, Centers for Medicare and Medicaid Services, and HHS Inspector General's Medicare Fraud Strike Forces to Houston and Detroit**, bringing the total number of cities/regions where the Strike Forces are operating to four: South Florida, Los Angeles, Detroit and Houston.

**Use of new state-of-the-art technology to fight fraud.** Investigators in the HHS Office of the Inspector General are implementing new technology to identify and analyze potential fraud. Using this technology, federal law enforcement officials are completing analysis of electronic evidence faster, when previously it took months to analyze using traditional investigative tools.

**Expansion of the CMS Demonstration project on Durable Medical Equipment** to increase site visits during the provider enrollment process.

**New funding for Medicare Drug Integrity contractors to monitor Medicare Parts C & D compliance and enforcement** and expanded use of these contractors.

**Increased compliance training for providers** to prevent honest mistakes and help stop potential fraud before it happens.

**Expansion of the CMS Medicaid provider audit program** to help State Medicaid officials conduct audits, monitor activities and detect fraud.

**Commitment to expanded data sharing and improved information sharing procedures** between HHS and DOJ in order to get critical data and information into the hands of law enforcement to track patterns of fraud and abuse, increase efficiency in investigating and prosecuting complex health care fraud cases, and turn off funding and profits to those who may be defrauding the system.

*Tips and a printable brochure produced by the Office of the Inspector General are now available at [www.StopMedicareFraud.gov](http://www.StopMedicareFraud.gov) and [www.oig.hhs.gov/fraud/idtheft](http://www.oig.hhs.gov/fraud/idtheft).*

# Federal Elder Abuse & Consumer Protection Bills

From the Nov. 2009 Newsletter  
of the National Center on Elder Abuse

There is increased attention to the issues of elder abuse and consumer protection in Congress. Here are some of the current federal bills:

*The Elder Abuse Victims Act of 2009 (S.1821)*, was introduced into the Senate on Oct. 21, and referred to the Senate Committee on the Judiciary. It is sponsored by Senator Herb Kohl (D, WI). The bill is a companion to H.R.448, which was approved by the full House and has also been referred to the Senate Judiciary Committee. The bill seeks to protect seniors from elder abuse by establishing specialized elder abuse prosecution and research programs and activities to aid victims of elder abuse, to provide training to prosecutors and other law enforcement related to elder abuse prevention, to establish programs that provide for crisis response teams to combat elder abuse.

*The Senior Financial Empowerment Act of 2009 (H.R.3040)*, sponsored by Representative Tammy Baldwin (D, WI), was introduced on June 25, and referred to the House Subcommittee on Crime, Terrorism and Homeland Security on July 23. The bill seeks “to prevent mail, telemarketing, and Internet fraud targeting seniors, to promote efforts to increase public awareness of the enormous impact that mail, telemarketing, and Internet fraud have on seniors, and to educate the public, seniors, their families, and their caregivers about how to identify and combat fraudulent activity.”

Companion bills H.R.3550 and S.1659, *The Senior Investor Protections Enhancement Act of 2009*, seek “to enhance penalties for violations of securities protections that involve targeting seniors.” H.R. 3550 was sponsored by Representative Paul Hodes (D, NH), and introduced on Sept. 10, then was referred to the House Committees on Financial Services and the Judiciary, and later to the Subcommittee on Crime, Terrorism, and Homeland Security. S.1659, introduced on Sept. 10, was sponsored by

Senator Robert Casey (D, PA), and referred to the Senate Committee on Banking, Housing, and Urban Affairs.

Companion bills H.R.3551 and S.906, *The Senior Investment Protection Act of 2009*, seek “to protect older Americans from misleading and fraudulent marketing practices, with the goal of increasing retirement security.” H.R.3551 is sponsored by Representative Paul Hodes (D, NH). On Sept. 10, the bill was introduced and referred to the Committees on the Judiciary and Financial Services for

consideration of provisions relevant to each committee. The bill S.906 was sponsored by Senator Herb Kohl (D, WI). On April 28, the bill was introduced and referred to the Committee on the Judiciary.

*The Elder Justice Act* has been introduced in both the House and Senate. The House version, H.R.2006, seeks “to amend the Social Security Act to enhance the social security of the nation by ensuring adequate public private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute

elder abuse, neglect, and exploitation, and for other purposes.” The bill was referred to the Subcommittee on Healthy Families and Communities on June 4. The bill was sponsored by Representative Peter King (R, NY), with 53 co-sponsors. The Senate version S.795, was submitted to the Senate Finance Committee as amendment #37 of the Committee’s health care reform bill. It was sponsored by Senators Blanche Lincoln (D, AK) and Orrin Hatch (R, UT), with 15 co-sponsors. The amendment was accepted and included in the Chairman’s Mark of the Senate health care reform bill. The bill, titled *The America’s Healthy Future Act of 2009 (S.1796)*, from the Senate Committee on Finance, was added to the Senate Legislative Calendar on Oct.19. The bill is sponsored by Senator Max Baucus (D, MT) and seeks to “To provide affordable, quality health care for all Americans and reduce the growth in health care spending, and for other purposes.”



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**Scam #2:** A new variation on an old scam, this fraud involves credit card or ATM transactions at retailers. Consumers report discovering \$40 or more in “cash back” charges for money they neither requested nor received. Always check your receipts at the store register. If the cashier explains “cash back” as a computer error, call a manager. The register or the cashier may have a long record of not-so-innocent mistakes.

**Scam #3:** The U.S. Department of Housing and Urban

Development (HUD is warning older Americans to beware of scam artists who charge thousands of dollars for reverse mortgage information that is available for free. A reverse mortgage is a type of loan available to seniors that can help them turn their home equity into cash. If you are interested in a reverse mortgage, you can get free information from HUD. Call (800) 569-4287 or visit [www.hud.gov/buying/rvrsmort.cfm](http://www.hud.gov/buying/rvrsmort.cfm).

**Want to be on the Department of Consumer Affairs mailing list? Email [consumerconnection@dca.ca.gov](mailto:consumerconnection@dca.ca.gov).**



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to donate and may even clean out your account or steal your identity.

- Be extremely cautious if you receive a donation request via e-mail. Most legitimate charities do not solicit donations through e-mail, assuming that you have not donated to that particular charity in the past. If you receive a donation request through e-mail and you have never donated to the charity before, do not respond.

- Never feel pressured into donating the "suggested amount" or "requested minimum donation." As a rule of thumb, after you determine that you want to donate to a specific charity and you have verified its legitimacy, simply give the donation that you can afford and want to donate. All contributions to legitimate charities are appreciated, regardless of amount.

- Some charities hire for-profit contractors to help get more donations. Ask if the solicitor is a contractor. These soliciting agencies receive anywhere from 25 to 95 cents on each dollar donated. Instead, get the address of the charity so that you can send the donation to them directly, thereby cutting out the middleman and ensuring that more of your donation goes to help those in need.

- Be an informed donor. Ask questions about the organization; a real organization will provide answers, scammers likely will not:

1. What's the full name, address and phone number of the charity?

2. Do you work directly for the charity, or are you a paid fundraiser? If paid, what percentage does your company keep?

3. What will my donation be used for?

4. Can you send me literature about the charity and a financial statement so I can decide whether to give?

5. Are you a 501(c)(3) organization?

6. Is my contribution tax deductible?

7. Will you provide a donation receipt?

While charity scams are most common this time of year, there are plenty of other scams to be aware of year round. Sadly, seniors are one of the most frequently targeted groups. That is why Elder Law & Advocacy (ELA), a nonprofit organization serving seniors in San Diego County, created their newest program, Senior Shield.

Senior Shield's primary goal of scam prevention is achieved through outreach events, speaking engagements and the distribution of materials, as well as a Web site at [www.seniorscamscreen.org](http://www.seniorscamscreen.org) and a scam hotline at (858) 715-1648. The Web site is updated regularly with the latest information on scams and how to protect yourself. The free hotline is answered by a paralegal or an attorney for seniors to talk to if they are worried they have been defrauded.

For information on Senior Shield, call (858) 565-1392 or visit ELA's Web site at [www.seniorlaw-sd.org](http://www.seniorlaw-sd.org).