

Melanie Menough

From: April Oakes
Sent: Monday, April 14, 2008 1:31 PM
To: arthur.vasile@oag.state.ny.us; Douglas.hinchey@oag.state.ny.us
Subject: [REDACTED]

Importance: High

Hi Art and Doug,

I spoke with Art earlier this morning to let him know how our meeting with [REDACTED] went regarding his alleged roll in Medicaid fraud for his CDPAS program. Needless to say, it did not go well. [REDACTED] is refusing to terminate the 3 attendants (Petrina Mason, Priscilla McCauley and Sonya Ross) involved in the alleged fraud.

Our agency continues to be very concerned about allowing these attendants to continue to work for [REDACTED] and CDR. We would very much like to terminate them ourselves, if at all possible, and the sooner the better, as we do not condone their alleged behavior and do not support the behavior continuing in any way. However, unless we have some sort of proof that there is a valid cause we cannot legally terminate the women unless they are arrested and charged with a crime.

Can your office at the very least confirm that there is an ongoing investigation? I understand your hands are tied to a certain extent. Ours are as well. We are just trying to do what is right. Even a very vague statement would help us out.

Talk with you soon.

April M. Oakes
Assistant Director, CDPAS
Center for Disability Rights, Inc.
497 State Street
Rochester, NY 14608
(585)-546-7510
(585)-546-7566 fax
aoakes@rochestercdr.org

Melanie Menough

From: Bruce Darling
Sent: Tuesday, April 15, 2008 2:22 PM
To: Melanie Menough
Subject: RE: ██████████'s attendants implicated in fraud investigation

Melanie,

This is good news! Clearly, any concern that the fraudulent activities may have involved other consumer/supervisors seems to have been addressed. I assumed as much, but it's best to have checked. Had they worked with other consumers, we would have met with them to determine if we had a bigger issue in the program.

Now we really only have to get the information we need from the AG's office to fire the attendants involved in the case. I can't believe the AG is refusing to give us even a simple statement after confronting ██████████ and the attendants. I am not sure why they would not be willing to put in writing what they told us. Hopefully the county can get them to provide some kind of statement so we can terminate the employment of these attendants ASAP. I hate having this stuff hang over our heads.

Bruce

From: Melanie Menough
Sent: Tuesday, April 15, 2008 1:44 PM
To: Wilda Santiago; Yolanda Cubero; Christine Morillo
Cc: Bruce Darling; Mary Willoughby
Subject: ██████████'s attendants implicated in fraud investigation

I have researched their work histories within the past 90 days,

Loretta lowrie - has not worked for anyone since February. Please ensure that we DO NOT PROCESS ANY WORK HIRE AUTH'S THAT MAY COME IN FOR HER..

Petrina mason – has only worked for ██████████

Denise wright – has only worked for ██████████. We received termination paper work from ██████████ today. LETS BE SURE NOT TO PROCESS ANY MORE WORK HIRE AUTHS FOR HER EITHER...

Priscilla Mccauley – has worked for ██████████ for a single shift, back in January..... recently has only worked for ██████████

Thanks ladies! melanie

██████████ – is not implicated in the investigation... has only worked for ██████████ for a month.

Melanie Menough

From: DeRycke, Carol (DFA2-A26) [Carol.DeRycke@dfa.state.ny.us]
Sent: Wednesday, April 23, 2008 6:00 PM
To: Melanie Menough
Cc: Turner, Iris (DFA2-A26)
Subject: MS

Dear Mel;

I knew it was too late to call, but wanted to get this to you right away...

Iris and I spoke with our county attorney regarding [REDACTED]. He has advised us to remain with services in place as they are while they Attorney General's investigation is continuing.

In order to not interrupt their investigative process, it is important that we comply with their wishes. By doing this, it will likely save us a lot of headache in the long run; even if it is frustrating now.

Thanks very much-

Carol M. DeRycke, RN, BSN

Department Of Human Services

Home Care Services Unit

111 Westfall Rd, Room 728, Rochester, NY 14620

Phone: (585) 753-6550

Fax: (585) 753-6163

carol.derycke@dfa.state.ny.us

Melanie Menough

From: Vasile, Arthur (ROC) [Arthur.Vasile@OAG.STATE.NY.US]
Sent: Monday, October 20, 2008 2:53 PM
To: Melanie Menough
Subject: RE: attestations on time sheets

Hi Melanie,

Jerry looked this over and felt it was good with the exception of the highlighted word.

Thanks....



Investigator Arthur J. Vasile
New York State Office of the Attorney General
Medicaid Fraud Control Unit
144 Exchange Blvd., Suite 600
Rochester, New York 14614
Phone: 585-987-0807
Fax: 585-262-2866
Cell: 585-303-2239

From: Melanie Menough [mailto:MMenough@rochestercdr.org]
Sent: Monday, October 20, 2008 10:31 AM
To: Vasile, Arthur (ROC)
Subject: FW: attestations on time sheets

Here you are. Any assistance you can provide with the wording for these attestations would be helpful!

Thanks! m

Attendant Attests: By my signature, I certify that I have followed the procedure for completing this timesheet and I have provided personal care services as directed on the care plan developed by the DSS for this consumer. I attest that I have accurately recorded and signed this timesheet at the beginning and end of each shift I worked and that no hours are being claimed while the consumer was hospitalized. I understand that this is a Medicaid funded program and that these hours will be billed to Medicaid. I understand that the Federal False Claims Act (31USC 3729-3733) imposes liability on any person who submits a claim to the federal government that she or she knows (or should know) is false. Social Services Law 366-b provides that any person who, with intent to defraud, presents for payment a false or fraudulent claim for furnishing services, knowingly submits false information to obtain greater Medicaid compensation...is guilty of a Class A misdemeanor. I understand that recording time that I did not work, or failure to follow any of CDR's policies may result in termination of my employment, repayment to CDR for fraudulently billed hours, and/or criminal prosecution.

Supervisor Attests: By my signature, I swear that I have reviewed this time sheet and it accurately records the personal care services I have received on the dates indicated above. I attest that the services I received were provided as directed on my DSS care plan, and that no hours were worked during any part of a hospitalization. I understand that this is a Medicaid funded program and that the hours listed above will be billed to Medicaid. I understand that falsification of time sheets or failure to follow any of CDR's policies may result in termination of my attendants, repayment of fraudulently billed hours and my removal from the program. I may also be subject to criminal prosecution.

Melanie Menough
 Director of Programs

8/1/2010

Center for Disability Rights, Inc.
497 State Street
Rochester, New York 14608
(585) 546-7510 (Voice)
(585) 546-7512 (TTY)
(585) 546-7579 (Fax)

www.rochestercdr.org

"Helping People Help Themselves"

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State of New York
OFFICE OF THE ATTORNEY GENERAL
MEDICAID FRAUD CONTROL UNIT
144 Exchange Blvd. - Suite 600, Rochester, New York 14614-2108
(585) 262-2860 Fax: (585) 262-2866

ANDREW M. CUOMO
Attorney General

HEIDI A. WENDEL
Special Deputy Attorney General

JERRY M. SOLOMON
Regional Director

December 30, 2008

Matthew J. Fusco, Esq.
Chamberlain, D'Amanda, Oppenheimer & Greenfield, LLP
2 State Street
Suite 1600
Rochester, New York 14614

Re: The Center for Disability Rights

Dear Mr. Fusco:

As per our earlier conversations, I am requesting that your client, The Center for Disability Rights, remit \$4,739.60 to the New York State Medicaid Fraud Restitution Fund, in care of the Attorney General's Medicaid Fraud Control Unit, 144 Exchange Boulevard, Suite 600, Rochester, New York, 14526. The amount due constitutes restitution to the State's Medicaid program for personal assistant services that were billed on behalf of employees of record Loretta Lowrie, Denise Wright, Petrina Mason & Priscilla McCauley, but not provided.

Criminal charges related to the billings are pending in Rochester City Court against each of these former employees. Loretta Lowrie has pled guilty to petit larceny and is scheduled to be sentenced on February 4, 2009. Denise Wright has pled guilty to petit larceny and falsifying business records in the second degree, with sentencing scheduled for February 10, 2009. As a condition of the pleas, the Court will order restitution to the Center for Disability Rights for the wages it paid to the employees for the phony billings. Petrina Mason & Priscilla McCauley are scheduled to return to court on January 16, 2009 for disposition.

Please call me at (585) 262-3970 if you have any questions or concerns. Thank you for your continued cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jerry M. Solomon', written over a horizontal line.

Jerry M. Solomon
Regional Director