

Memorandum

To: File
From: Craig Ratner, Esq.
Date: 1/17/2018
Re: Investigation

At the request of [REDACTED], Compliance conducted an investigation into the alleged falsification of required physician signatures on orders, including Certifications and Plans of Care, Face-to-Face Encounter Forms, and Verbal Orders.

On [REDACTED], I was contacted by HR Rep about possible falsification of signatures on orders by an employee in the [REDACTED] Department at [REDACTED]. Upon Arriving at [REDACTED], I met with HR Rep and senior leaders in the [REDACTED] Department, including Employee #5, Employee #3, and Employee #9. Employee #5 proceeded to show me evidence that an employee, Bad Actor, had been falsifying signatures for multiple physicians on orders by (1) copying the faxed pages of documents with a given physician's signature, (2) using a cutting tool to cut out the physician's signature, and (3) repeatedly using the cutout as a means to replicate the physician's signature on unsigned orders. Employee #5 showed me several examples of these falsified signatures, including one example of a cutout signature still attached to an unsigned order.

After viewing the evidence of falsified orders, HR Rep, Employee #5, Employee #3, and I met with Bad Actor to discuss her alleged role in falsifying the signatures on these documents. Bad Actor explained that she was responsible for obtaining outstanding physician signatures on Medicare orders for patients with last names starting with letters N-Z. We told Bad Actor that we found evidence of falsified signatures on physician orders and then showed her evidence of these documents. Bad Actor admitted to falsifying signatures, but only for a few physicians for whom she was having difficulty obtaining their respective signatures. Even when presented with clear evidence of falsified signatures for six (6) physicians, Bad Actor denied that she had falsified as many signatures as we showed her. Moreover, during our first interview with Bad Actor, she initially said that she had been falsifying a few physician signatures since [REDACTED]. Though, by the end of the interview, Bad Actor admitted to having falsified physician signatures – especially Verbal Orders for a particular physician – since [REDACTED]. Bad Actor did not implicate any other employees in engaging in a similar practice of falsifying physician signatures on orders and said that she was “dumb” for

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doing it. Bad Actor subsequently emailed me her statement in which she admitted to falsifying signatures of orders for six (6) physicians. However, in her statement, Bad Actor failed to admit to falsifying the one order we showed her with the cutout signature still attached to an unsigned order.

During the two days following our meeting with Bad Actor, I interviewed the following employees connected to the outstanding order retrieval process:

1. **Employee #1** – Responsible for obtaining outstanding physician signatures on Medicare orders for patients with the last name starting with letters A–M. Right after the Medicare bill run was completed, Employee #4 would generate a list of outstanding unsigned orders (Certifications and Plans of Care, Face-to-Face Encounter Forms, and Verbal Orders). Employee #1 and Bad Actor would fax these orders to physician practices requesting that the ordering physicians sign and fax them back. Employee #1 said that, on [REDACTED], between the hours of 3 pm and 5 pm, Employee #2 in [REDACTED], asked Employee #1 to retrieve an order that Employee #1 had given to Bad Actor. Since Bad Actor had left for the day at 3 pm, Employee #1 looked through documents on Bad Actor’s desk to find the order that Employee #2 requested. Employee #1 found the falsified order referenced above with the cutout signature still attached to an unsigned order. Employee #1 immediately showed this falsified document to Employee #2.
2. **Employee #2** – Works in [REDACTED] and is responsible for inputting signed orders into the system for billing purposes. Employee #2 said that she occasionally helped Employee #1 and Bad Actor with retrieving physician signatures on outstanding orders, but she was mainly responsible for inputting all orders into the system and boxing up written orders for storage. Employee #2 said that when Employee #1 showed her the falsified document, she exclaimed, “What the F is this S.” On [REDACTED], Employee #2 said that she went to Bad Actor’s area and said out loud, though not directly to Bad Actor, “I am not going to get fired because of you.” Employee #2 stated that Bad Actor said that the cutout was a “joke,” but then asked Employee #2, “Did you take care of that.” Employee #2 said that she didn’t have anything, and Bad Actor said, “I must have shredded it.” Since Employee #2’s manager, Employee #3, was off on [REDACTED], she was not able to speak with him until [REDACTED]. Employee #2 said that she spoke to Employee #3 that morning and they both brought this to Employee #5. Employee #5 notified HR Rep on [REDACTED]; however, since Employee #5 was out of the office [REDACTED], she did not meet with HR Rep and HR Rep did not notify Compliance until [REDACTED]. Though, Employees #2, #3, and #5 did review some prior written orders dating back to [REDACTED] and found evidence of falsified signatures for the six (6) physicians referenced in Bad Actor’s statement.

Employees #3, #4, and #5 – All three employees are in supervisory roles and recalled that the responsibility of obtaining outstanding physician signatures became a part of Bad Actor’s job in [REDACTED]. They said that Bad Actor was never pressured to obtain

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outstanding physician signatures on orders. Moreover, Employee #4 said that they would never even contemplate falsifying signatures on orders.

HR Rep and I also spoke to Bad Actor again by phone and later in person. Though, she did not provide us with any additional information about when she began this practice of falsifying signatures or the volume of falsified signatures. She continued to say that she only did it for a small number of physicians. However, in our second meeting with Bad Actor, she indicated she felt pressured to get outstanding physician signatures on orders.

Following our initial round of interviews, Compliance began reviewing the signatures on previous orders. Though, since these orders were not separated by coverage type, we reviewed all orders (Certifications and Plans of Care, Face-to-Face Encounter Forms, and Verbal Orders) – approximately 3,500 per month – beginning with [REDACTED], the month Bad Actor admitted in her statement that she started falsifying physician signatures. Compliance found several examples of falsified signatures, especially in [REDACTED] and [REDACTED]. Therefore, since we originally thought that the responsibility of obtaining outstanding physician signatures became a part of Bad Actor's job in [REDACTED], we decided to look at the months before [REDACTED] and later looked at [REDACTED] and [REDACTED].

Compliance subsequently reviewed the months before [REDACTED]. If we found evidence of falsified signatures on orders in a given month, we would review the prior month. After finding evidence of falsified signatures on orders prior to [REDACTED], we deduced that Bad Actor took on the responsibility of obtaining outstanding physician signatures before [REDACTED], even if it was not a formal part of her job. Compliance continued reviewing orders until we identified no falsified signatures on orders in [REDACTED]. Compliance then started reviewing signatures on orders for [REDACTED] and [REDACTED].

In total, Compliance reviewed the signatures on over twenty-five (25) months and two (2) weeks of orders. We looked at approximately 90,000 separate orders – Certifications and Plans of Care, Face-to-Face Encounter Forms, or Verbal Orders. For the period [REDACTED], Compliance found 532 orders with falsified signatures for 261 Medicare patients. Compliance is currently working with Employee #3 and Employee #4 to attach a value to the orders associated with these 261 patients.

Following our review of previous orders, I joined HR Rep in interviewing Bad Actor's former supervisor, Employee #6, and re-interviewing Employees #1 through #5. During these follow-up interviews, we focused on one key issue: whether any employees engaged in the outstanding order retrieval process were directly pressured to obtain physician signatures on orders. Neither Employee #1 nor Employee #2 could recall a single instance where they or Bad Actor were pressured to get physician signatures. Likewise, neither Employees #3, #4, #5, nor #6 could recall a single instance where they pressured or otherwise directed Employees #1, Employee #2, or Bad Actor to obtain signatures "at any cost."