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Whistleblower speaks out on local Medicaid fraud case

Six years after she initiated an investigation, the criminal case is closing next week. Written By: Leah Ward | 7:30 pm, Jun. 18, 2021

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WORTHINGTON — In the days leading up to a sentencing hearing for her former Worthington employer, whistleblower Jen Erikson reflected on the steps she took six years ago that set a civil lawsuit and criminal case in motion.

Erikson was first hired by Remona Brown, 55, now of Bigelow, to work as a registered nurse at Caring and Compassionate Healthcare Agency (CCHCA). Brown then promoted her to director of nurses at the Worthington branch.

From the outset, Erikson's intuition told her something was off about CCHCA's business practices, but she didn't know what at first.

CCHCA served patients eligible for Medicaid, including vulnerable populations such as people with disabilities and senior citizens. By law, health care agencies accepting Medicaid funds must turn in a care plan for each eligible patient every year. Each month, the agency must complete an explanation of benefits (EOB), detailing how much care each patient gets and who provides it.

Erikson noticed some inconsistencies with care plans and EOBs.

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"I just started asking questions," she explained.

While reviewing an EOB for one of the patients, the patient's mother joked with Erikson, "How much do you make per hour? Because it's not what they're billing."

Alarm bells went off in Erikson's mind.

When it came time to send in that patient's annual care plan, Erikson asked to see the previous year's for reference. It said the patient was receiving 24-hour nursing care, but the patient was not, nor did they need to be. So, Erikson completed an accurate care plan according to the patient's actual needs and turned it in to Brown.

Brown said she'd have to send the nursing care plan to her doctor in Michigan (where CCHCA is based). This didn't make sense to Erikson, because a doctor wouldn't care about a nursing care plan, and that doctor didn't know the patient in question.



"Then I really started digging," Erikson recalled.

She found more cases within CCHCA where Medicaid was being billed for services patients weren't receiving, or services performed by LPNs were being billed as RN services - meaning CCHCA was receiving more than it was owed.

At first, Erikson was worried she could be implicated, so she carefully logged her own hours and services in case she needed to prove she wasn't involved. Then, she found a lawyer.

She went to Halunen Law, a Minneapolis firm that represents whistleblowers. Halunen thought Erikson had a case, and attorneys Susan Coler and Nathaniel Smith became her lawyers.

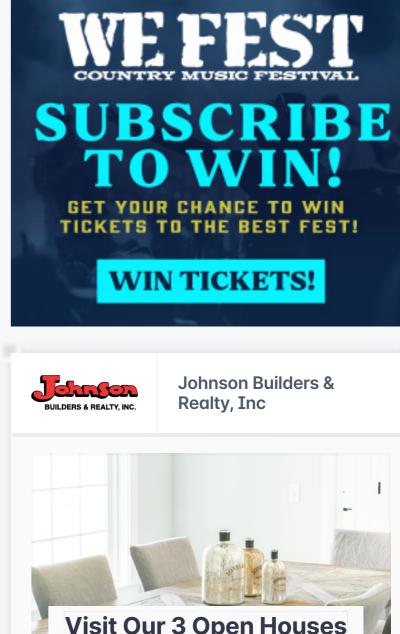
The investigation that ensued uncovered more than \$1.8 million in fraudulent Medicaid claims from CCHCA for which Brown was responsible, as she was in charge of billing.

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Coler explained that what Erikson found falls under the False Claims Act (FCA), a law that was enacted in 1863 as a response to defense contractor fraud during the Civil War. The









law states that private citizens may report fraud against the government. As an incentive to report fraud, the FCA allows whistleblowers to receive a portion of what the government collects from the lawsuit.

Erikson didn't know when she approached Halunen that there was a possibility of financial compensation. She just wanted to put a stop to the theft of taxpayer dollars and the victimization of already vulnerable people.

"It's ethically and morally wrong," Erikson said. "It makes me sick."

"It takes courage and commitment to do what Jen did," Coler added. "There's no real end game for her — it's just because it's wrong."

After Halunen filed a civil lawsuit against Brown, the Minnesota Attorney General's Office took notice and decided to enter criminal charges against Brown.

At a May trial in Nobles County District Court, a jury found Brown guilty of 14 counts of aiding and abetting theft by false representation. She is scheduled to be sentenced Thursday morning.

Erikson, along with the patient's mother who also acted as a whistleblower, testified during the jury trial and got to hear the verdict firsthand.

"I was elated" to hear that Brown was guilty, she said.

While the criminal case was being adjudicated, Halunen's civil case had to be stayed, or put on hold. Now that Brown has been found guilty, however, civil proceedings may continue.

"Seeing somebody violate their ethical obligations in horrifying," Coler said, also noting "horror at what people will do to cheat government — and do it in a way that's harmful to vulnerable people."

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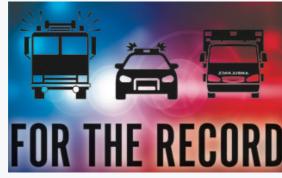
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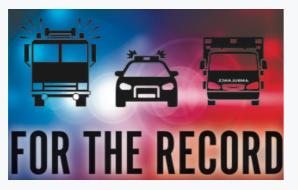
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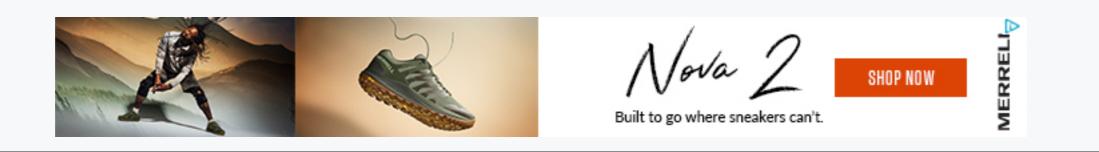
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