Jan 20, 2021

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Florida Attorney General's Office News Release

MFCU Investigation Leads to Multimillion-Dollar Recovery



TALLAHASSEE, Fla.—Attorney General Ashley Moody, working with state and federal partners, is securing more than $40 million following a nationwide investigation. Attorney General Moody's Medicaid Fraud Control Unit worked with the U.S. Department of Justice and other state MFCUs to investigate false Medicaid claims made by Apria Healthcare Group Inc. and Apria Healthcare LLC. There are more than 300 Apria branch offices across the nation, including Florida. According to the federal-state investigation, Apria submitted false claims to state Medicaid programs for the ongoing rental of non-invasive ventilators that Medicaid beneficiaries either did not use or medical professionals deemed not medically necessary.

Attorney General Ashley Moody said, "We will not allow bad actors to falsify forms or blatantly bill Florida taxpayers for services never rendered or not medically necessary. I am proud of the role my Medicaid Fraud Control Unit played in investigating this multimillion-dollar fraudulent billing scheme inflicted on taxpayers in Florida and across our country, and the recovery of more than $40 million."

As a result of the investigation, Apria will pay a total sum of $40 million, of which $4,812,000 will go toward reimbursing state Medicaid programs. Florida's share of the nationwide recovery is approximately half a million dollars.

The investigation arose from a *qui tam* action filed in the United States District Court for the

Southern District of New York in 2017 under the federal False Claims Act and various state false claims statutes. The settlement resolves allegations that, from Jan. 1, 2014 through Dec. 31, 2019, Apria violated the FCA by submitting false claims to state Medicaid programs to seek reimbursement for NIV rentals in certain circumstances.

The circumstances outlined in the settlement include: when the NIVs were not medically necessary or reasonable due to the lack of continued use or continued need by the beneficiaries; or when certain NIV models that were only to be used in a bi-level pressure support setting called Pressure Assist Control mode, were not medically necessary or reasonable.

To view the settlement, click here.

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The Florida MFCU is funded through a grant totaling $26,329,510 for Federal Fiscal Year 2021, from the U.S. Department of Health and Human Services Office of Inspector General. The Federal Share of these funds is 75% totaling $19,747,136. The State Matching Share of these funds is 25% totaling $6,582,374, and is funded by Florida.