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*Elder Law Attorney*

If you have clients who need assistance with finding the right place for their ill family member to live and determining how to pay for it, **we can assist them with becoming eligible for Medicaid.**

If you have clients who are unable to care for themselves and make their own decisions, **we can assist their loved ones with becoming their guardian.**

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## WORDS TO THE WISE

July 2011

### Guilty Pleas in \$200 Medicare Scam

Seven employees of American Therapeutic Corporation, the nation's largest chain of community mental health centers, have pleaded guilty to charges related to Medicare fraud. Arrests were first made in the case in October 2010, after a criminal investigation revealed a scheme to bilk Medicare out of \$200 million. The fraudulent business scheme netted the company approximately \$83 million over an eight-year period. Among other things, the scam involved billing expensive psychotherapy sessions for thousands of patients who were simply faking conditions such as depression and schizophrenia. American Therapeutic Corporation also allegedly billed Medicare for therapy for Alzheimer's patients who were not eligible for such services because their mental impairment was so severe that they could not possibly have benefitted from such therapy.

Sources: [www.miamiherald.com/2011/07/13/2312972/three-more-plead-guilty-in-200.html](http://www.miamiherald.com/2011/07/13/2312972/three-more-plead-guilty-in-200.html)  
[www.foxnews.com/politics/2011/02/17/feds-arrest-20-including-3-doctors-200m-medicare-fraud-case/](http://www.foxnews.com/politics/2011/02/17/feds-arrest-20-including-3-doctors-200m-medicare-fraud-case/)

### Being Green Creates Probate Problem

The attorneys and staff at our firm have made a concerted effort in recent years to "green" our law office. We use recycled paper products when we can, recycle the aluminum cans containing the caffeine that keeps us going, and are participating in a pilot program in Lee County for the electronic filing of court pleadings. We have noticed many of our clients taking steps to recycle and "go paperless" too. However, in the probate department a negative side effect of the greening of America has been discovered. If a decedent did all of their banking and investing on-line, opted not to receive paper statements, and died without leaving their passwords behind, it can create big problems. It is common for family members not to know the size of a decedent's estate and without statements arriving in the mail there may be few clues. This means it may be necessary to open a Full Administration only to discover that a Summary Administration would have sufficed because of the size of the estate. There are certainly risks to sharing your on-line passwords with others, but if you too have gone paperless, you may want to consider printing statements out at least quarterly. We suggest you do that on recycled paper of course!

### DO YOU NEED A SPEAKER FOR YOUR ORGANIZATION?

The attorneys of Osterhout, McKinney & Prather, P.A. are available for seminars, talks and training on elder law topics including: Medicaid, Veteran's Benefits, Probate, End of Life Decision Making, Estate Planning and Long Term Care Planning. Please contact Persida at 239-278-4109.