


DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF DIRECTOR

ACTION REFERRAL

TO <i>Singleton/Myers</i>	DATE <i>7-16-09</i>
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DIRECTOR'S USE ONLY	ACTION REQUESTED
1. LOG NUMBER <i>106-036</i>	<input type="checkbox"/> Prepare reply for the Director's signature DATE DUE _____
2. DATE SIGNED BY DIRECTOR <i>Cleared 7/23/09, letter attached</i> 	<input checked="" type="checkbox"/> Prepare reply for appropriate signature DATE DUE <i>7-27-09</i> <input type="checkbox"/> FOIA DATE DUE _____ <input type="checkbox"/> Necessary Action

APPROVALS (Only when prepared for director's signature)	APPROVE	* DISAPPROVE (Note reason for disapproval and return to preparer.)	COMMENT
1.			
2.			
3.			
4.			

RECEIVED

JUL 16 2009

Department of Health & Human Services
OFFICE OF THE DIRECTOR

Albert Montgomery
Post Office Box 8
Sumter, SC 29151-0008

July 6, 2009

Department of Health and Human Services
Department of Facility Services
Bureau of Long Term Care Services
Post Office Box 8206
Columbia, SC 29202-8206

It contained DHEC
They received same
letter
@ Program Integrity
Diane

RE: Amedisys Home Health Care, Sumter, SC 29154

COMPLAINT: Intentional Material Misrepresentation as to Process and Procedures, Unethical, Aggressive and Abusive Recruitment of a Patient, Intentional Interference with Right to make an Informed Decision, Malicious Attempt to Foreclosure on Patient's Right to Choice, Abuse of Elderly Person, Violation of Medical Privacy, Abuse of Medicare/Medicaid through Abusive Recruitment of Medicare/Medicaid Patient

Dear Sir/Madam:

This letter is to register a formal complaint regarding the troublesome conduct of Amedisys Home Health Care, Sumter, South Carolina.

My mother, Mrs. Hattie Montgomery, eighty-eight years old, previous diagnosis of moderate dementia, was discharged from Sumter Health and Rehabilitation Center mid-morning of June 11, 2009. As her son, I hold a power of attorney due to her diminished mental capacity.

An employee of Amedisys Home Health Care, Kim, telephoned me mid-afternoon the day before, on June 10, 2009. She left a message mentioning my mother's impending discharge from the residential care facility and informed me that I will have twenty-four hours from the date of her discharge to sign her up with Amedisys, according to Kim, "per doctor's orders." Sumter Health and Rehabilitation Center had not spoken to us about any "doctor's orders" or about Amedisys or any other potential home health care provider.

Having never heard of Amedisys Home Healthcare, it struck me unusual that a private agency would call before my mother was discharged, refer to a doctor's discharge order, presumably not yet written, and tell me that I was compelled to sign my mother up with them within twenty-four hours of her discharge from the residential care facility.

I arrived home too late in the evening of June 10, 2009 to return the call from Amedisys. I called Amedisys the next morning, June 11, 2009. I spoke to Kim. Kim essentially repeated the text of the telephone message she left. Kim reiterated that because we had twenty-four hours to sign my mother up with Amedisys, that a nurse from Amedisys will visit my mother later that day, June 11, 2009.

I told Kim we were unable to receive a visit from Amedisys on June 11th or June 12th because of much more immediate and pressing issues we needed to attend before Friday, June 12, 2009. I explained these issues involved making sure my mother's dialysis chair time did not change as a result of her discharge from the residential care facility, resolving dialysis transport problems, making sure we had an overnight sitter for June 11th and June 12th, and making sure that my mother was seen by her doctor as quickly as possible for a stomach hernia that was now larger and paining her.

I told Kim also that we had never heard of Amedisys and we have not seen the doctor's orders to which she was referring. Kim said she had a copy of the doctor's orders in hand. She proceeded to quote all of my mother's medical diagnoses, and medications. She concluded by saying she could get away with not signing my mother up today, June 11, 2009, but that they had to do so by Friday, June 12, 2009.

I told Kim in plain English that I really did not appreciate the pressure they were applying. I reminded her that my mother dialyzes on Monday, Wednesday, and Friday, and that we do not schedule events or appointments for her on those days because her hemodialysis treatment can leave her weakened, cold, and with unstable blood pressure and blood sugar levels. Kim relented and said she was "doing us a favor" by delaying signing my mother up with them until Saturday, June 13, 2009. She said a nurse from Amedisys would call later in the day to schedule a time to visit my mother.

We did not hear from Amedisys again until 9:04 AM Saturday, June 13, 2009. An Amedisys employee who identified herself as "Julie" or "Julia" called and said she was an "admitting nurse" with Amedisys. She asked if she could visit my mother at 9:30 AM, as it would be the best time for her. I asked her what she meant by "admitting nurse." She said her responsibility was to visit new patients to explain Amedisys Home Health Care services, conduct a physical examination of the new patient, and complete an intake application.

I told Julie/Julia we would be happy to listen to her presentation but that we will make a decision after meeting with other agencies. She said that was fine. We met at my mother's house at 9:35 AM. Present for the meeting was my mother, two of my siblings, Julie/Julia, and myself. Julie/Julia was wearing no ID Card, photo or otherwise. She began by retrieving a number of forms from what looked like a new patient information folder. Before any information was given, I halted the conversation and reminded Julie/Julia that her visit was to present information to us so that after meeting with her, and with two other agencies, we could make an informed decision about home healthcare services for my mother.

As the dates of the meetings with the two other agencies were prominently displayed on a large NBSC wall calendar, I gave the dates and the name of the agencies to Julie/Julia, reminding her that we were going to make a decision after meeting with the two other agencies. I asked Julie/Julia to tell us about Amedisys and what services they provide. She said the doctor qualified my mother for all the services they offered. She listed the services in the following order: physical therapy, speech therapy, occupational therapy, social worker services, home aide services, nursing care, and wound care. This was in my opinion clearly a "milkling" of the medicare/medicaid system since it was the understanding of my mother and the family that physical therapy was the only service to be continued after her discharge from the residential care facility.

I asked Julie/Julia whether she had any brochure or literature she could leave with us to review. She held up a folder and said they normally do not leave the new patient information folder unless the new patient is admitted. She removed several forms and her business card from the pocket of the folder and handed the folder to me. We thanked her for her visit and told her we would be in touch with Amedisys in 7-10 days, after meeting with the other two agencies. The visit was short and polite.

Because my mother had hemodialysis treatment on Monday, June 15, 2009, we met with Community Long Term Care on Tuesday, June 16, 2009. While in the meeting with Community Long Term Care at my mother's house, Tracie Neill, employee of Amedisys Home Health Care, called my home at 10:51 AM and left a message that he needed to visit my mother that day, Tuesday, June 16, 2009. He asked in his message that I return his call and give him a time for the visit.

I returned home around 2:00 PM and discovered the message from Amedisys. I called Kim at Amedisys at 2:12 PM on Tuesday, June 16, 2009. I told her of the telephone call and message from their employee Tracie Neill. I told Kim that I was deeply troubled, and annoyed, by their extraordinary aggression. Kim said they were only trying to comply with the doctor's orders and get my mother signed up within twenty-four hours of her discharge from the residential care facility.

I reminded Amedisys, yet again, that we were not going to be pressured in any fashion into making a decision before meeting with the other two agencies, and that we had much more urgent matters to attend to in taking care of my mother. Kim responded, "we have twenty-four hours to get your mother enrolled and several days have already passed without enrolling her." I told Kim we weren't going to make any hasty decision, period. Kim's response was, "well, we have a doctor's order and she has to be enrolled within twenty-four hours...and if you're not going to enroll her we're going to call Dr. Dubose."

Before I could respond to Kim's threat to call Dr. Dubose about our not enrolling my mother with Amedisys within twenty-four hours, she said, "Mr. Montgomery, I'm looking at Dr. Dubose's orders. I have to call and let him know your mother didn't enroll within the time he ordered. What do you want me to tell Dr. Dubose?" I told Kim that I was fully capable of contacting Dr. Dubose myself if I needed to, and that I had no message to convey to Dr. Dubose through her. Kim said, "alright, I'll call him." We ended our telephone conversation.

About an hour after my telephone conversation with Kim, my sister called to tell me a representative from Amedisys (Tracie Neill) visited my mother, examined my mother, acquired my mother signature(s), and had even scheduled a follow-up visit.

I called Kim again to complain about their extraordinary and troubling aggressive conduct. I told her about the visit of Tracie Neill. I asked Kim to point me to a specific state or federal law requiring my mother's enrollment with Amedisys or requiring her enrollment with Amedisys within twenty-four hours of her discharge from Sumter Health and Rehabilitation Center. To my complete and nauseating disgust, Kim said "well, it's not a law, its a company policy that we have to follow."

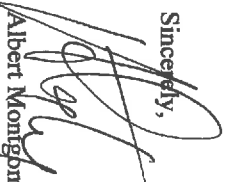
I asked Kim to fax to me a copy of Amedisys policy mandating my mother's enrollment with them and mandating that the enrollment must be within twenty-four hours of discharge from a residential care facility (nee: nursing home). She said, "well, it's more of a company practice than a written policy." Kim said, hold on, I better let you talk to my supervisor.

Kim put me on hold and referred me to a Ms. Dolly Hill. I started by giving Ms. Hill some background information. She interrupted and said she had already been briefed by Kim and was aware of what happened.

I repeated, yet again, my complete exasperation with Amedisys' aggressive conduct. I asked Ms. Hill whether it was necessary to get law enforcement involved to halt the aggression by Amedisys. She said that wouldn't be necessary, that she will take care of the matter. I told Ms. Hill that it was extraordinarily egregious and abusive for Amedisys to visit my mother, examine her, and acquire my mother's signature in light of the fact that Amedisys knew of my mother's inability to give an informed consent, and in view of the extraordinary notices we've given Amedisys about our plan for making a decision about my mother's long term health care plan. Ms. Hill apologized for her employees' behavior and assured me that we will have no more interference from Amedisys.

My telephone conversation with Ms. Hill was entirely cordial but it was not reassuring that the interference would not or could not happen again. I therefore sent a June 17, 2007 certified letter to Amedisys, a copy of which is attached.

Sincerely,



Albert Montgomery

Enclosure

Copy of June 17, 2009 certified letter to Ms. Dolly Hill, Amedisys Home Health Care

Albert Montgomery
Post Office Box 8
Sumter, SC 29151-0008

June 17, 2009

CERTIFIED RETURN RECEIPT REQUESTED
Certified # 7007 3020 0002 7961 7272
Ms. Dolly Hill
Amedisys Home Health Care
3481 Declaration Boulevard
Sumter, SC 29154

Dear Ms. Hill:

Pursuant to my telephone conversation with Kim yesterday and my telephone conversation with you and Kim today, concerning the extraordinary aggressive predisposition of Amedisys Home Health Care, it is my information that an employee of yours, one Tracie Neil, physical therapist, made an unannounced, unscheduled visit to my mother on June 16, 2009.

It is also my information that Mr. Neil, physical therapist, captured my mother's signature on a laptop and or a portable electronic device.

Please provide me by return mail copies of any and all documents, signed or unsigned, electronic or otherwise, generated by and as a result of, Mr. Tracie Neil's visit with my mother on June 16, 2009.

Thank you for your prompt reply.

Sincerely,



Albert Montgomery

From: "Mary Jo Roué" <trouemj@dhec.sc.gov>
To: "Bethanie Brown" <BROWNBEt@scdhs.gov>
CC: "Barbara Brague" <braguebg@dhec.sc.gov>, "Ruth Rush" <rushrf@dhec.sc.gov...
Date: 7/14/2009 12:07 PM
Subject: Re: Complaint

Good Morning Bethanie,

We too, have received this complaint directly from the complainant and our Complaint Triage Nurse, Ruth Rush and has reviewed the complaint and made an appropriate referral of the complaint since this is not within our scope of regulation. If you require any additional information, you can feel free to phone Ruth at 803-545-4300.

Thanks,

MaryJo Roué
Director, Division of Health Provider
Bureau of Certification/Health Regulation
SC DHEC
2600 Bull Street
Columbia, SC 29201
(803) 545-4293

>>> "Bethanie Brown" <BROWNBEt@scdhs.gov> 07/14/2009 10:43 AM >>>

Mary Jo
I received a rather lengthy written formal complaint regarding Amedisys Home Health Care. I faxed a copy to your office today to the number on your business card.
I am not sure over there deals with complaints regarding home health providers but I am sure you do.
Would you talk a look at the fax and let me know if this is something your Division would handle.
Thanks

Thank You,
Bethanie Brown, Department Head
Department of Community Services
Bureau of Long Term Care
SC Department of Health and Human Services
803-898-2697
Fax: 803-255-8209

Confidentiality Note

This message is intended for the use of the person or entity to which it is addressed and may contain information, including health information, that is privileged, confidential, and the disclosure of which is governed by applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this information is STRICTLY PROHIBITED.

If you have received this in error, please notify us immediately and destroy the related message.

Log 036 ✓



State of South Carolina
Department of Health and Human Services

Mark Sanford
Governor

Emma Forkner
Director

July 23, 2009

Albert Montgomery
Post Office Box 8
Sumter, SC 29151-008

Dear Mr. Montgomery:

Your letter to the South Carolina Department of Health and Human Services has been referred to the Division of Program Integrity. We have opened a preliminary investigation of Amedisys Home Health Care. Depending on the results, we may refer this case to the South Carolina Attorney General's Office and/or the Office of Inspector General of the U.S. Department of Health and Human Services. Also, as part of this investigation, we may need to contact you for more information. Could you call and give us a telephone number and a convenient time to call? Mrs. Valerie S. Pack will be the Program Integrity reviewer in charge, and her direct line is (803) 898-1044.

I assure you that your complaint will be thoroughly reviewed and appropriate action taken. We appreciate your diligence in reporting this to the department.

Sincerely,

Sherry L. Ward, R.N., Director

Sherry L. Ward, R.N., Director
Division of Program Integrity

SLW/sm