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By Nina Youngstrom

◆ **A Michigan woman is the first in the nation to be charged criminally with misappropriating money from the Provider Relief Fund (PRF)**, the Department of Justice (DOJ) said Feb. 11.^[1] Amina Abbas of Taylor previously owned 1 on 1 Home Health, which she shuttered in early 2020 after Medicare hit her with a \$1.620 million overpayment demand because the home health agency had billed Medicare for patients who didn't qualify for home health care, DOJ alleged. "According to the indictment, 1 on 1, which was never operational during the pandemic, received approximately \$37,656.95 designated for the medical treatment and care of COVID-19 patients," and Abbas gave the money to her family members for personal use, DOJ alleged. She was charged with embezzlement of government property in the Eastern District of Michigan. In an unrelated case, a California ambulatory surgery center recently entered into a civil monetary penalty settlement^[2] with the HHS Office of Inspector General for accepting PRF money it allegedly wasn't eligible for.

◆ **President Joe Biden announced Feb. 13 that Chiquita Brooks-LaSure will be the CMS administrator, subject to Senate confirmation.**^[3] Brooks-LaSure, who is currently managing director at Manatt, "played a key role in guiding the Affordable Care Act (ACA) through passage and implementation," according to a press release from the White House. Brooks-LaSure has more than 20 years of experience in health policy. She was previously CMS's deputy director for policy at the Center for Consumer Information and Insurance Oversight and HHS's director of coverage policy.

◆ **The HHS Office of Inspector General has updated its answers to frequently asked questions (FAQs)**^[4] about the application of its administrative enforcement authorities to arrangements connected to COVID-19.

◆ **Sharp HealthCare, doing business as Sharp Rees-Stealy Medical Centers (SRMC) in California, has agreed pay \$70,000 to settle a potential violation of the HIPAA privacy rule**, the HHS Office for Civil Rights (OCR) said Feb. 12. It's the 16th settlement of an enforcement action under OCR's Right of Access Initiative. According to the resolution agreement,^[5] a complaint was filed with OCR on June 11, 2019, alleging SRMC didn't give the complainant's client electronic access to his medical records, which were requested on April 2, 2019. OCR closed the case on June 25, 2019, by giving technical assistance to SRMC, but the complainant filed a second complaint against SRMC on Aug. 19, 2019, with the same allegations. "SRMC did not provide the Affected Party with access to his requested records until October 15, 2019," OCR alleged. SMRC is also required to implement a corrective action plan. It didn't admit liability in the settlement.

¹ Department of Justice, "Woman First in the Nation Charged with Misappropriating Monies Designed for COVID Medical Provider Relief," news release, February 11, 2021, <https://bit.ly/3bjCclm>.

² Nina Youngstrom, "ASC Settles CMP Case About Provider Relief Fund Money; OIG: Attestation Was Wrong," *Report on Medicare Compliance* 30, no. 5 (February 8, 2021), <http://bit.ly/3aMCGQG>.

³ The White House, "President Biden Announces Key Members of his Health and Human Service, Education, and Veterans Affairs Teams," news release, February 19, 2021, <http://bit.ly/3ucisbX>.

4 “FAQs–Application of OIG’s Administrative Enforcement Authorities to Arrangements Directly Connected to the Coronavirus Disease 2019 (COVID-19) Public Health Emergency,” Department of Health & Human Services Office of Inspector General, last updated February 17, 2021, <https://bit.ly/2zKhA6O>.

5 Department of Health & Human Services Office for Civil Rights, “Sharp Rees–Stealy Medical Centers HIPAA Resolution Agreement and Corrective Action Plan,” resolution agreement, February 3, 2021, <https://bit.ly/3qCOxaC>.

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