

Provided to the District on 3/11/2020, as a courtesy from Betsy Tunnell.

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Reporting Abuses to Government Agencies

A summary of government agencies which act when medical and psychiatric abuses could be reported. It is broken down into Federal, State of California and County/Local agencies.

At each echelon, there is a sub-heading for the type of abuse followed by the agency or agencies which deal with the type of abuse. There is a special section at the end for schools which covers federal, state and local echelons and at the very end a link to an on-line power point presentation regarding how different agencies coordinated to prosecute a corrupt doctor.

FEDERAL	
Medicare Fraud	<p>The US Department of Health and Human Services Office of the Inspector General (OIG) is charged with the responsibility to “Protect the integrity of Department of Health & Human Services (HHS) programs as well as the health and welfare of program beneficiaries.”</p> <p>“About OIG” on their website, “Since its 1976 establishment, OIG has been at the forefront of the Nation's efforts to fight waste, fraud and abuse in Medicare, Medicaid and more than 100 other HHS programs.”</p> <p>See: https://oig.hhs.gov/about-oig/about-us/index.asp</p> <p>They encourage citizens to report suspected cases of fraud, waste or abuse in Federal HHS programs. Use this link to get to the place on their website to make a complaint; the site has provisions for reporting by employees as well as the general public: https://oig.hhs.gov/fraud/report-fraud/index.asp</p> <p>You may also call, mail, or fax using the information below.</p> <p>Office of Inspector General U.S. Department of Health & Human Services ATTN: HOTLINE PO Box 23489 Washington, DC 20026</p> <p>Phone: (800) HHS-TIPS [(800) 447-8477] Fax: (800) 223-8164 TTY: (800) 377-4950</p>
Veterans Administration Fraud	<p>Many veterans receive psychiatric treatment sometimes with grave consequences.</p> <p>The VA’s website section on fraud & abuse: https://www.va.gov/COMMUNITYCARE/about_us/POI/poi_faq.asp</p> <p>They give some good specific examples of fraud, waste and abuse, which is what they are interested in.</p> <p>The link to the forms for making reports which also provides info on where to send them. https://www.va.gov/COMMUNITYCARE/pubs/FormDetails_10-0500.asp</p>

<p>Drug-Related Crimes</p>	<p>The Department of Justice (DOJ) investigates and prosecutes federal crimes. Drug related crimes are one crime that psychiatrists are likely to commit.</p> <p>Immediately below is a link to a presentation by a defense attorney who specializes in drug cases when the federal government as opposed to a state government gets involved in drug-related offenses. Two key takeaways: At the federal level they have broad jurisdiction and the penalties are usually heavier than at the state level. Regarding jurisdiction, the fact that a federal agent is investigating appears to be enough to make it a federal offense. As with all things involving the federal government, what most solidly puts something under federal jurisdiction is if it crosses state lines. https://www.ioffefederaldefense.com/when-do-drug-charges-become-federal/</p> <p>An example of a recent US Department of Justice prosecution of drug crimes: https://www.justice.gov/usao-edpa/pr/fourteen-individuals-charged-operating-pill-mills-and-illegally-prescribing-drugs The story indicates that many of those indicted were doctors. It is possible that some of them were even psychiatrists, but regardless, it indicates the DOJ will go after doctors who run “pill mills”.</p> <p>Drug crimes are reported to the Drug Enforcement Administration, which is part of the Department of Justice. This is the link to report medically-related drug crimes: https://apps2.deadiversion.usdoj.gov/rxaor/spring/main?execution=e1s1</p> <p>The contact information for their Los Angeles office to get in touch with someone directly. https://www.dea.gov/domestic-divisions/los-angeles</p>
<p>Civil Rights Violations</p>	<p>The Department of Justice also investigates and prosecutes civil right violations. Examples given on their website are investigation of the murder of civil rights workers in Mississippi and the assassination of Martin Luther King. It would take some education to get them to see psychiatry as a civil rights violation but it is worth noting as a possible resource.</p> <p>Here is a link to the DOJ’s civil rights division: https://www.justice.gov/crt/about-division</p> <p>The link as to where to file a complaint is below: https://www.justice.gov/crt/how-file-complaint</p>

<p>STATE OF CALIFORNIA</p>	
<p>Violations of Professional Medical Standards</p>	<p>The California Medical Board, to quote from their website, is responsible for reviewing and investigating complaints about, and disciplining the following medical professions:</p> <ul style="list-style-type: none"> • Licensed Physicians & Surgeons (which would include psychiatrists) • Licensed Midwives • Research Psychoanalysts and Student Research Psychoanalysts • Registered Polysomnographic (Monitoring people while sleeping for brain waves, heart rates and other vital functions) Trainees, Technicians, and Technologists • Outpatient Surgery Settings (within the Board's jurisdiction) <p>If an individual or organization appears to have violated the laws within the Board's jurisdiction, Board staff will investigate the allegations and charges may be filed. Following are the types of complaints reviewed by the Board:</p> <ul style="list-style-type: none"> • Substandard Care (e.g., misdiagnosis, negligent treatment, delay in treatment, etc.) • Prescribing Issues (violation of drug laws, excessive/under prescribing) • Sexual Misconduct • Impairment (drug, alcohol, mental, physical) • Unlicensed practice, or aiding and abetting unlicensed practice • Unprofessional Conduct (e.g., breach of confidence, record alteration, filing fraudulent insurance claims, misleading advertising, arrest or conviction) • Office Practice Issues (e.g., failure to provide medical records to patient, failure to sign death certificate, patient abandonment) <p>Here is where to go to file a complaint: http://www.mbc.ca.gov/Consumers/Complaints/ The website has some links that give further information about filing complaints. Online Complaint Tutorial: https://www.dca.ca.gov/webapps/breeze/file_a_complaint_breeze/file_a_complaint_breeze.htmlSubmit Complaint Online Go to: http://www.mbc.ca.gov/Breeze/Complaints.aspx Once you are there, click the "Continue to BreEZe Online Services" button at the bottom of this page, you will be directed to the main page of the BreEZe Online Services. (continued next page)</p>

<p>Violations of Professional Medical Standards (continued)</p>	<p>You can file a complaint on-line by following the instructions on the site or by mail.</p> <p>Complaints filed by mail should be mailed to:</p> <p style="padding-left: 40px;">Medical Board of California Central Complaint Unit 2005 Evergreen Street, Suite 1200 Sacramento, CA 95815</p> <p>For additional information, contact the Central Complaint Unit at:</p> <p>Toll-Free: 1-800-633-2322 Phone: (916) 263-2382 Fax: (916) 263-2435</p> <p>This flyer gives additional information on filing complaints to the medical board: http://www.mbc.ca.gov/Consumers/Complaints/complaint_dontwait_flyer.pdf</p> <p>This flyer gives some information as to how complaints are handled: http://www.mbc.ca.gov/Publications/Brochures/complaint_info_english-print.pdf</p> <p>This flyer gives information about the investigation process: http://www.mbc.ca.gov/Publications/Brochures/investigations_english-print.pdf</p>
<p>Medi-Cal Fraud</p>	<p>The California Department of Health Care Services investigates Medi-Cal Fraud. The links provide the different ways to report Medicaid fraud. https://www.dhcs.ca.gov/individuals/pages/stopmedi-calfraud.aspx</p> <p>Here is their description of fraud: https://www.dhcs.ca.gov/individuals/Pages/ai_fraud_ex.aspx Psychiatric treatment is provided under Medi-Cal; this could be a resource if there are false billings, treatment to people who don't need it, etc.</p> <p>The California Department of Justice (under the Attorney General) also has a unit that investigates and prosecutes Medi-Cal fraud as well as elder abuse. They directly accept complaints. For a general description of their activities: https://oag.ca.gov/bmfea/medical For specifics on how to file a complaint: https://oag.ca.gov/bmfea/reporting</p>

Insurance Fraud

Central Valley Regional
Office

Christine Diep, Captain

5737 N Fresno Street
Fresno, CA 93710
Phone: (559) 440-5900
Fax: (559) 440-5543

Counties Served: Fresno,
Inyo, Kern, Kings, Madera,
Mariposa, Merced, San Luis
Obispo, and Tulare.

The Department of Insurance, through its enforcement branch, actively investigates insurance fraud. This link from their website provides a description of what constitutes insurance fraud:

<http://www.insurance.ca.gov/0300-fraud/0100-fraud-division-overview/>

Fraud occurs when someone knowingly lies to obtain a benefit or advantage to which they are not otherwise entitled, or someone knowingly denies a benefit that is due and to which someone is entitled. According to the law, the crime of insurance fraud can be prosecuted when:

- The suspect had the intent to defraud. Insurance fraud is a "specific" intent crime. This means a prosecutor must prove that the person involved knowingly committed an act to defraud.
- An act is completed. Simply making a misrepresentation (written or oral) to an insurer with knowledge that is untrue is sufficient.
- The act and intent must come together. One without the other is not a crime.
- Actual loss is not needed as long as the suspect has committed an act and had the intent to commit the crime. No money necessarily has to be lost by a victim.

Another section of their site goes into further detail of what type of fraud they handle:

- The Fraud Division is charged with enforcing the provisions of Chapter 12 of the California Insurance Code, commonly referred to as the 'Insurance Frauds Prevention Act,' California Penal Code, Sections 549-550 and California Labor Code, Section 3700.5. Current law requires the Fraud Division to investigate various felony provisions of the Penal and Insurance Codes. Most often, investigations conducted by the Fraud Division involve some aspect of a 'Suspected Fraudulent Claim' or other related crimes.
- Cases investigated by the Fraud Division most often involve criminal acts involving automobile property and personal injury, workers' compensation, health insurance and residential and commercial property claims. Some examples of the types of insurance fraud that are investigated include: Automobile Collision, Automobile Property, Medical, Life, Workers' Compensation, Fire, Property, Other.

Here is what they are looking for with respect to a medical provider either through health insurance or worker's comp:
"Medical provider inflates billing, knowingly submits bills with improper medical codes and misrepresents facts."

The statewide office for reporting insurance fraud:
California Department of Insurance Fraud Division
2400 Del Paso Road, Suite 250
Sacramento, CA 95834
fraud@insurance.ca.gov

<p>Civil Rights Violations</p>	<p>Like the federal government, the State of California has a Civil Rights Enforcement Section under the Attorney General.</p> <p>Their website gives a broad purpose of “vigorous enforcement of federal and state civil rights laws.”</p> <p>It then gives a long list of specific areas of rights they are interested which doesn’t specifically include abuses in the field of mental health.</p> <p>But it also says, “The Civil Rights Enforcement Section takes a proactive role in identifying civil rights violations to be remedied by the Attorney General. It also works closely with the public, state, federal and local government agencies, and civil rights and community organizations to identify potential civil rights initiatives.”</p> <p>Possibly with some education they could be a resource.</p> <p>They recently formed a “Bureau of Children’s Justice within the Section which includes as safeguarding the abuse of children in the foster care and juvenile justice systems where many kids wind up drugged.</p> <p>See also below on school complaints.</p> <p>The role of the California Department of Education is also covered below under school complaints.</p>
<p>Abuses of People with Disabilities</p>	<p>Disability Rights California, 567 W. Shaw Ave., #C3, Fresno, CA 93704, helps people with disabilities including those with mental health disabilities. They are a nonprofit organization, though under a mandate provided by federal law, California, like every other state, is required to create an organization to advocate for the rights of the disabled and California has designated Disability Rights California to take this responsibility. https://www.disabilityrightsca.org/.</p> <p>When you get to their website, you can click on “get help” and go to https://www.disabilityrightsca.org/contact-us/how-to-get-help.</p> <p>When you get there, you can click on “look here” to get an idea of what kind of people they help and what they do. You will go to https://www.disabilityrightsca.org/contact-us/who-we-help. From there, you can get an idea if they are a potential resource in the situation that you are dealing with.</p> <p>They list on their successes having upheld the rights of mental patients to refuse medication and having gotten someone out of enforced institutionalization.</p>

<p>Crimes such as Assault, Rape, etc.</p>	<p>A case where a state crime was committed such as psych having sex with a patient or manslaughter, murder, or drug dealing (pill mill) then you would file a police complaint. This would also include staff on patient, patient on staff, patient on patient, etc.</p> <p>Research would have to be done on a case-by-case basis depending on where the crime occurred. Police departments only have certain areas they cover and investigate in (jurisdictions) so a search would have to be done where to file based on where the crime was committed. In the unincorporated areas of Fresno, Tulare and Kings counties, the County's Sheriff Department handles the complaints and investigations.</p>
<p>Rights of Students</p>	<p>These are being listed separately, because as will be indicated below, there are agencies involved in this at the local, state & federal levels.</p> <p>The ACLU maintains a website for students advising of them of their rights and providing avenues for them to file complaints. The site is: https://www.myschoolmyrights.com</p> <p>One section of the site contains advice on how to file a complaint if the person is harassed or suffers various forms abuse at the school. This could include abuse by a school psych. This section of the form is at: https://www.myschoolmyrights.com/complaint-school/ The complaint would go to either the principal of the school or the school superintendent.</p> <p>There is a procedure for appeal given in this section to the California Department of Education. Their complaint procedure is given at: https://www.cde.ca.gov/re/cp/uc/ .</p> <p>Where civil rights violations occur, the website recommends filing a complaint with the federal Office of Civil Rights. The procedure is described at: https://www.myschoolmyrights.com/complaint-ocr/</p> <p>The San Francisco office handles all matters involving public schools. Their contact info is given at the preceding link.</p> <p>The California Civil Rights Enforcement Section could also be a resource. See the description in the State of California section.</p>

**Long-term Care
Ombudsmen**

Are advocates for residents of nursing homes, board and care homes and assisted living facilities. Ombudsmen provide information about how to find a facility and what to do to get quality care. They are trained to resolve problems. If you want, the ombudsman can assist you with complaints.

Fresno County – Valley Caregiver Resource Center: Long Term Care Ombudsman Program
5363 N. Fresno St.
Fresno, CA 93710
800-231-4024
559-224-9177

[https://valley-caregiver-resource-center.portalbuzz.com/\(X\(1\)S\(jxewxu2siwzax5veonmkgcwb\)\)/Ombudsman](https://valley-caregiver-resource-center.portalbuzz.com/(X(1)S(jxewxu2siwzax5veonmkgcwb))/Ombudsman)

For ombudsman services in both Tulare and Kings Counties:
Kings County Commission on Aging at (559) 852-2828, or 1 (800) 293-9714.

You may also e-mail your questions about the Ombudsman Program to:
ktaaa@tularehhsa.org.

These agencies could be helpful as many elderly people who have lost their purpose in life and are restricted by aging bodies are then also diagnosed as “mentally ill” and often severely over-drugged.

State of California Crisis Line at 800-231-4024.
This hotline is available 24 hours a day, seven days a week. Reserved for emergencies that arise after-hours and holidays. All long-term care facilities are required to post, in a conspicuous location, the phone number for the local Ombudsman office and the State Crisis Line number.

A resident or their family member can file a complaint directly with their local ombudsman.
Anyone observing abuse would need to get the resident or their family member to make the complaint.

<p>Example of agencies acting against a criminal doctor.</p>	<p>The link is to a power point presentation showing how government agencies worked together to get a physician investigated, prosecuted and ultimately sentenced to 30 years in prison for over-drugging patients at least 12 of whom died:</p> <p>http://www.uapd.com/wp-content/uploads/PEOPLE-V.pdf</p> <p>The first part of the presentation details roles played by the DEA, California Medical Board and the LA County District Attorney's Office.</p>
<p>Mental Health Client Abuses</p> <p>Mental Health Watchdog</p>	<p>Citizen Commission on Human Rights – Reports of abuse can be filed with this organization, to provide a voice to those abused and knowing of abuses. This organization works alongside medical professionals including doctors, scientists, nurses and psychiatrists, solely dedicated to eradicating mental health abuse and enacting patient and consumer protections.</p> <p>www.cchr.org</p>
<p>Betsy Tunnell</p>	<p>Kingsburg, local advocate for safe mental health treatments. Can facilitate completion of complaint forms and assist with directing to appropriate agency for filing complaints.</p> <p>Email: writer@hillyhowl.com</p>