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**NEWMAN LAW OFFICES ANNOUNCES THAT NURSING HOME CHAIN
SABER HEALTHCARE PAYS \$10 MILLION TO SETTLE FALSE CLAIMS
ACT WHISTLEBLOWER CASE**

Saber allegedly submitted fraudulent claims to Medicare for rehabilitation therapy services in skilled nursing facilities

BOSTON, MA – April 15, 2020

A nursing home chain owned by Saber Healthcare Group LLC and related entities (Saber) has agreed to pay \$10 million to settle a whistleblower case alleging that Saber violated the False Claims Act by knowingly causing certain of its skilled nursing facilities (SNFs) to submit false claims to Medicare for rehabilitation therapy services that were not reasonable, necessary, or skilled.

Saber, based in Bedford Heights, Ohio, owns and operates SNFs in seven states. The case was filed by three whistleblowers: Hope Wright, Laura Webb, and Deborah Edmonds, former Saber rehabilitation therapists and therapy managers. Wright, Webb, and Edmonds will receive \$1,750,000 from the settlement with Saber. All three hired and were represented by Attorney Jeffrey A. Newman of the Newman Law Offices, which is headquartered in Boston and Marblehead, Massachusetts. His co-counsel was Paul Lawrence of Virginia of the firm Waters & Kraus. The case was filed under the whistleblower provision of the False Claims Act, which permits private parties to file suit on behalf of the United States for false claims and to share in the government's recovery.

The whistleblowers and the federal government alleged that Saber submitted false claims for rehabilitation therapy by engaging in a systematic effort to increase Medicare billings. Medicare reimburses skilled nursing facilities at a daily rate that reflects the skilled therapy and nursing needs of qualifying patients. The greater the patient's needs, the higher the level of Medicare reimbursement. The highest level of Medicare reimbursement for skilled nursing facilities is for "Ultra High" patients, who require a minimum of 720 minutes of skilled therapy from two therapy disciplines (e.g., physical, occupational, and/or speech), one of which has to be provided at least five days a week. The lawsuit alleged that Saber improperly established general goals that all patients should be provided with the Ultra High level of therapy, regardless of the patients' individual therapeutic needs, and enforced that expectation by pressuring

therapists to provide Ultra High therapy to each patient at nine facilities. The United States further contended that Saber established uniform expectations for Ultra High therapy in facility budgets, pressured facility directors in weekly or daily calls to ensure therapists provided Ultra High therapy to each patient, prevented therapists from providing lower levels of therapy minutes even if, in the therapists' clinical judgment, a lower amount was warranted, caused therapists to report time spent on initial evaluations as therapy time in violation of Medicare policy, and caused therapists to report time spent providing unskilled services as time spent on skilled therapy.

The settlement covers conduct that occurred from January 1, 2013, through March 31, 2017, at the following seven facilities – Chatham Health and Rehabilitation Center (Chatham, Virginia), Stratford Rehabilitation Center (Danville, Virginia), Azalea Health and Rehab Center (Wilmington, North Carolina), Emerald Health and Rehab Center (Lillington, North Carolina), Dunmore Healthcare Center (Dunmore, Pennsylvania), Amberwood Manor (New Philadelphia, Ohio), and Woodlands Health and Rehabilitation Center (Ravenna, Ohio) – and from March 1, 2016 through March 31, 2017 at two additional facilities – Autumn Care of Altavista (Altavista, Virginia) and Waddell Nursing and Rehab Center (Galax, Virginia). Saber has also entered into a five-year Corporate Integrity Agreement with the Department of Health and Human Services Office of Inspector General (HHS-OIG) that requires an independent review organization to annually assess the medical necessity and appropriateness of therapy services billed to Medicare.

The case is captioned *United States ex rel. Wright et al. v. Saber Healthcare Holdings, LLC, et al.*, Case No. 2:16-cv-640 (E.D. Va.)