

FBI Investigating Newark Beth Israel's Transplant Program for Possible Fraud



The bureau is looking at whether the hospital may have defrauded Medicare and Medicaid as it kept a vegetative patient on life support for the sake of its metrics.



by **Caroline Chen**

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The FBI is investigating the organ transplant program at Newark Beth Israel Medical Center, according to people contacted by the bureau.

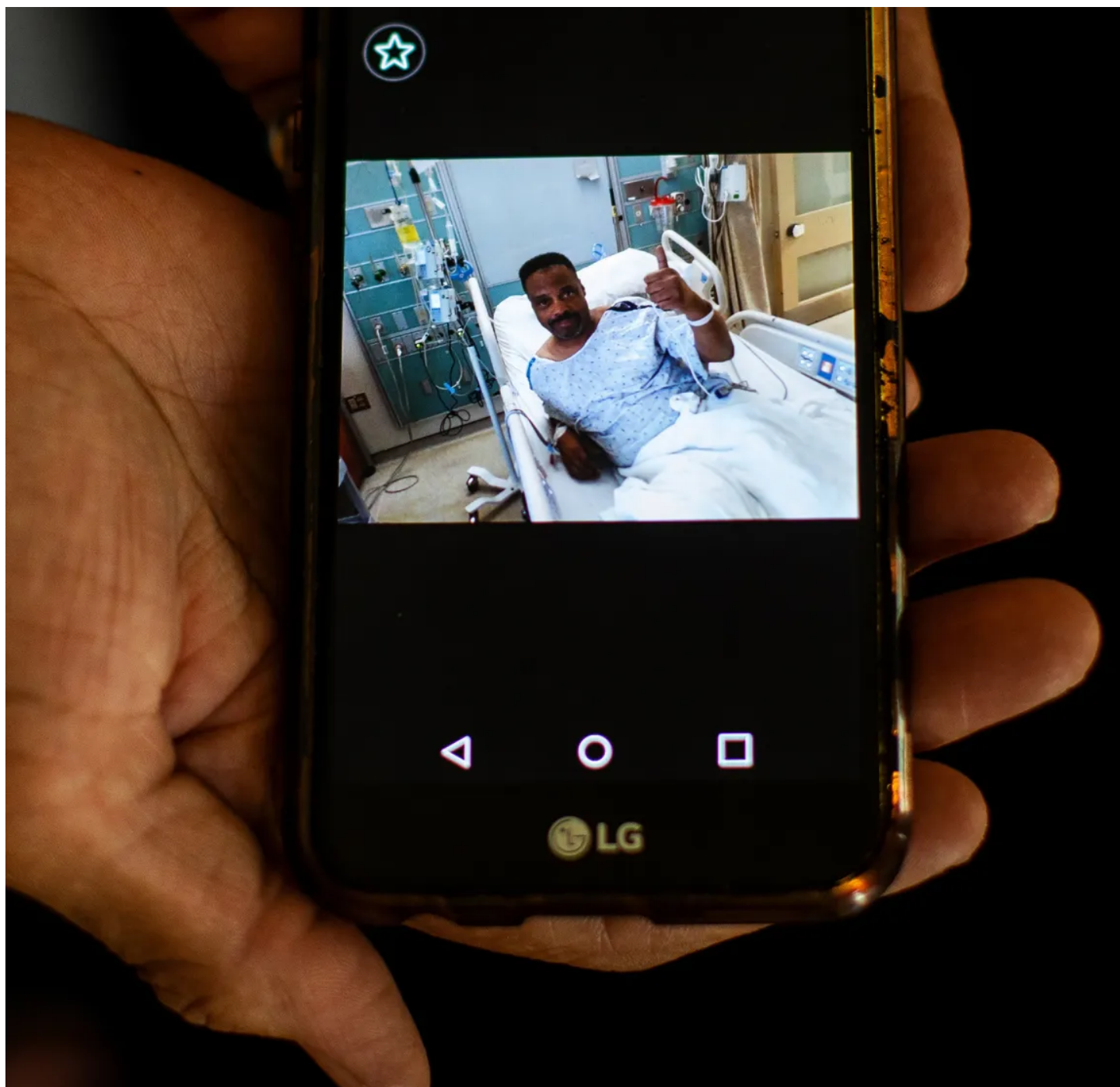
The bureau is looking into whether the program, which kept [a vegetative patient on life support for the sake of boosting its survival rate](#), attempted to defraud federal insurers Medicare and Medicaid, said one person familiar with the situation, who spoke on the condition of anonymity. FBI spokeswoman Patty Hartman said that the agency could neither confirm nor deny the existence of an investigation.

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A photo of Darryl Young just before his heart-transplant surgery at Newark Beth Israel hospital in 2018. DEMETRIUS FREEMAN FOR PROPUBLICA

Andrea Young, the sister of the Newark Beth Israel patient at the center of the case, said that the bureau is seeking to interview her. ProPublica reported in October that Newark Beth Israel's transplant director, Dr. Mark Zucker, instructed his staff to keep Darryl

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interviewed her. Also investigating are the U.S. Centers for Medicare and Medicaid Services and the New Jersey Department of Health.

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Linda Kamateh, a spokeswoman for the hospital, did not respond to questions about the FBI or state board probes. “Newark Beth Israel Medical Center is fully cooperating with all regulatory agencies and investigative bodies,” she said in an email. The hospital “bills the Centers for Medicare and Medicaid Services in accordance with approved billing guidelines,” she added. Newark Beth Israel has hired a private law firm and a consultant to conduct an internal review of its transplant program, and it has placed Zucker on leave.

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Newark Beth Israel’s heart transplant program is one of the top 20 in the country by volume, and it has performed 1,096 heart transplants over the past three decades, according to the hospital. It also has a lung transplant program.

The hospital typically only bills insurers when the patient is released. Young was discharged twice and moved to long-term care facilities, but he returned to the hospital in early 2019 after developing infections. Even if Newark Beth Israel hasn’t yet billed the government insurance programs for Young’s care, the FBI could be considering a number of potential criminal charges related to defrauding Medicare and Medicaid, said Michael Elliott, a defense lawyer in Dallas who was previously the lead attorney for the federal government’s Medicare Fraud Strike Force in North Texas.

ProPublica reported that the transplant team appeared to tailor medical decisions for at least three other patients because of concerns about its survival rate. The FBI is likely looking for other instances similar to the Young scenario in which federal insurance was already billed, Elliott said, adding that the investigation could take months or even years.

“If medical records were being falsified to keep him on a service, each false statement is a criminal charge,” Elliott said. Audio recordings published by ProPublica, in which doctors discussed the need to keep Young alive for the sake of survival statistics, could be evidence of “some kind of conspiracy to commit health care fraud, because they would be charging Medicare for his care, and there appears to be some agreement among the people who are taped,” he said.

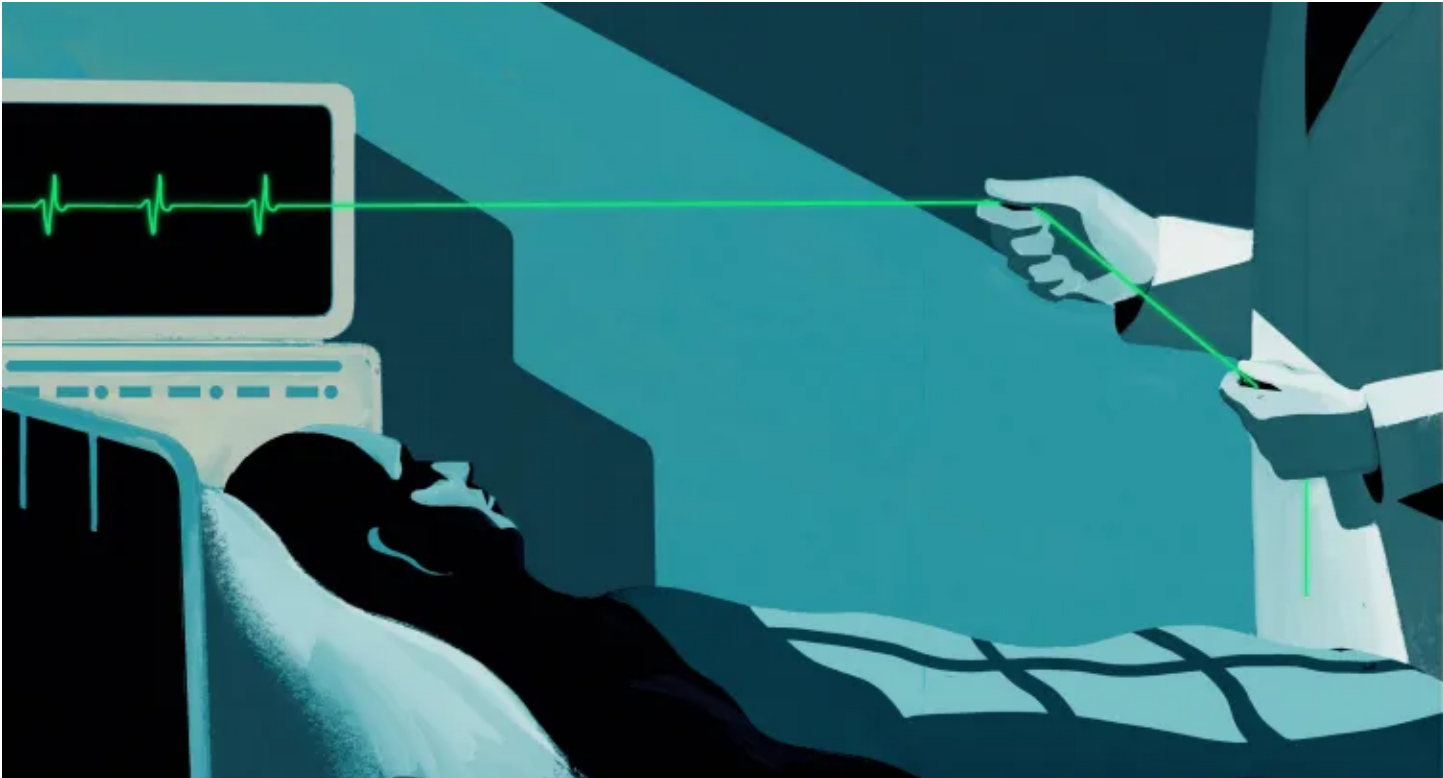
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“It’s Very Unethical”: Audio Shows Hospital Kept Vegetative Patient on Life Support to Boost Survival Rates

ProPublica’s investigation found that Newark Beth Israel’s transplant team was worried about the possibility of being disciplined by CMS, after six out of 38 patients who received heart transplants in 2018 died before their one-year anniversary. That translated into an 84.2% one-year survival rate, considerably worse than the 91.5% national probability of surviving a year for heart transplant patients, according to the Scientific Registry of Transplant Recipients, which tracks and analyzes outcomes for the government.

The transplant program has touted a higher success rate. In a July 29 letter to New Jersey cardiologists, Zucker and Dr. Margarita Camacho, a heart surgeon, wrote, “Outcomes remain excellent at 98% survival rate for the past 48 transplants.”

In an email, Kamateh said the rate was based on transplants from May 2018 to May 2019. She did not respond to questions about how the 98% rate was calculated and how long patients had to live after their operation to qualify as survivors. The rate does not match up with any official statistics.



Caroline Chen

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Caroline Chen was a national reporter for ProPublica covering health care.

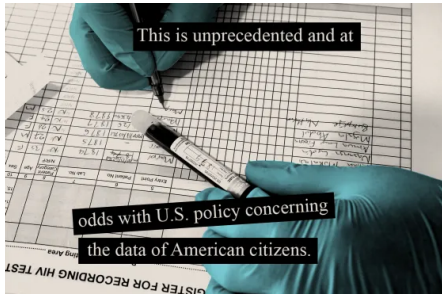
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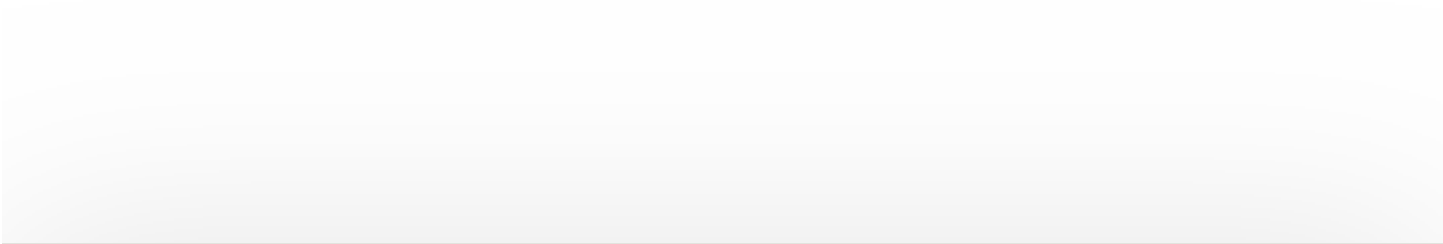
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