

EMPOWER OVERSIGHT

Whistleblowers & Research



April 30, 2026

VIA ELECTRONIC TRANSMISSION: CHPC@health.ny.gov

Kara Travis
Director
New York State Department of Health
Center for Hospice and Palliative Care
Attention: Data Request
875 Central Avenue
Albany, NY 12237

RE: Request for Records Related to Oversight of Hospice Programs in New York State

Dear Director Travis:

INTRODUCTION

Empower Oversight is a nonpartisan, nonprofit educational organization, which is dedicated to enhancing independent oversight of government and corporate wrongdoing. The organization works to help insiders safely and legally report waste, fraud, abuse, corruption, and misconduct to the proper authorities, and seeks to hold those authorities accountable to act on such reports by, among other means, publishing information concerning the same.

BACKGROUND

The New York State Department of Health (DOH), through its Center for Hospice and Palliative Care (CHPC), is responsible for the licensure, certification, and oversight of hospice programs operating in New York State, including quality assurance through onsite surveys and

complaint investigations.¹ Hospice care is a federal benefit under Medicare Part A for patients with a terminal diagnosis (and a prognosis of a six-month life expectancy) who choose palliative care rather than curative treatment. Health insurance, including Medicare and Medicaid, pays hospices a set daily rate for providing care to patients who are in the final stages of their lives. Because hospice care does not provide curative treatment, the hospice benefit is uniquely vulnerable to exploitation by bad actors seeking to profit from the system.

Nationally, hospice fraud has emerged as a crisis of staggering proportions. The U.S. Department of Health and Human Services (HHS) Office of Inspector General (OIG) reported in 2023 that suspected hospice fraud totaled an estimated \$198.1 million.² The federal government has taken aggressive action. On April 2, 2026, in coordination with the Vice President’s Task Force to Eliminate Fraud, the U.S. Department of Justice (DOJ) arrested eight people and charged them with defrauding the health care system out of more than \$50 million, including running sham hospice facilities that used beneficiaries without terminal illnesses to bilk Medicare.³ One hospice fraud ring in Los Angeles alone defrauded the state of \$267 million, according to the California Attorney General’s Office.⁴

Critically, this is a prolific problem across the United States. The U.S. House Committee on Oversight and Government Reform has launched an investigation into “rampant hospice fraud,” alleging that tens of millions in taxpayer funds may have been lost to improper payments.⁵

New York State currently has approximately 39 nonprofit hospice programs and two for-profit hospices.⁶ However, there have been documented instances of hospice fraud affecting New York. Jeanne Chirico, CEO of the Hospice and Palliative Care Association of New York State, reported a case in which a New York Medicare recipient was unknowingly enrolled in a

¹ N.Y. STATE DEP’T OF HEALTH, Center for Hospice and Palliative Care, <https://www.health.ny.gov/facilities/hospice/>.

² Laura Geller, Adam Yamaguchi, & Rachel Gold, *Congress launches investigation into California hospice fraud, citing millions in taxpayer losses*, CBS NEWS (Mar. 23, 2026), <https://www.cbsnews.com/news/congress-investigation-california-hospice-fraud-taxpayer-losses/>.

³ Press Release, U.S. DEP’T OF JUSTICE, *8 Arrested in Health Care Fraud Takedown, Including Owners of Hospices that Billed Taxpayers Millions of Dollars to Serve the ‘Dying’* (Apr. 2, 2026), <https://www.irs.gov/compliance/criminal-investigation/8-arrested-in-health-care-fraud-takedown-including-owners-of-hospices-that-billed-taxpayers-millions-of-dollars-to-serve-the-dying>.

⁴ Press Release, CAL. DEP’T OF JUSTICE, *Attorney General Bonta Dismantles Los Angeles Hospice Fraud Ring Responsible for \$267 Million in Fraud, 21 Charged* (Apr. 9, 2026), <https://oag.ca.gov/news/press-releases/attorney-general-bonta-dismantles-los-angeles-hospice-fraud-ring-responsible-267>.

⁵ Geller, *supra* note 2.

⁶ Susan Arbetter, *Bipartisan Group of N.Y. Legislators Urge Hochul to Sign Bill Preventing For-Profit Hospice Expansion*, SPECTRUM NEWS (Oct. 8, 2025), <https://spectrumlocalnews.com/nys/central-ny/politics/2025/10/08/n-y-lawmakers-urge-hochul-to-sign-bill-preventing-for-profit-hospice-expansion>.

California hospice program.⁷ Chirico explained: “What they do is they scope out Medicare numbers and they just pick Medicare numbers at random.”⁸

The U.S. Centers for Medicare & Medicaid Services (CMS) has proposed a new, publicly available hospice scoring system based on indicators of potential inappropriate utilization, quality of care, and compliance concerns, and has expanded enhanced oversight to additional states beyond the original four (California, Arizona, Nevada, and Texas).⁹ Given this rapidly escalating national focus on hospice fraud, New York should not wait for a crisis to materialize before examining its own oversight mechanisms.

DATA REQUEST

Accordingly, pursuant to the New York Freedom of Information Law (Public Officers Law, Article 6), Empower Oversight requests electronic copies of the following records. This request covers the period from January 20, 2019, to the present.

I. COMPLAINTS, INVESTIGATIONS, AND ENFORCEMENT

1. All complaints, whistleblower reports, and investigative files relating to hospice providers involving:
 - Fraudulent enrollment of patients;
 - “Ghost patients” or patients not receiving services;
 - Billing for services not rendered;
 - Shared or fraudulent use of physician provider numbers.
2. All inspection reports, deficiency findings, and enforcement actions (including non-action decisions) relating to hospice providers.
3. All documents reflecting decisions to decline enforcement, close investigations, or otherwise take no action in response to identified violations or fraud indicators.

II. LICENSING AND OVERSIGHT CONTROLS

4. All policies, procedures, and internal controls governing:
 - Licensing and certification of hospice providers;

⁷ Lara Bryn, *New York Bill Aims to Ban New For-Profit Hospices Amid Fraud Concerns*, CBS6 ALBANY (May 14, 2025), <https://cbs6albany.com/news/wellness-watch/new-york-bill-aims-to-ban-new-for-profit-hospices-amid-fraud-concerns>.

⁸ *Id.*

⁹ CMS, *CMS Proposes New Transparency Measures to Strengthen Oversight of Hospice Providers* (Apr. 2, 2026), <https://www.cms.gov/newsroom/press-releases/cms-proposes-new-transparency-measures-strengthen-oversight-hospice-providers>.

- Verification of ownership, management, and medical personnel; and
 - Prevention and detection of fraud in hospice programs.
5. All records reflecting reviews, audits, or assessments of hospice licensing and oversight processes, including any identified deficiencies or recommendations for reform.
 6. All communications and documents reflecting the agency's awareness of, analysis of, or response to unusually high concentrations of hospice providers at single addresses or geographic clustering of providers.

III. INTER-AGENCY COMMUNICATIONS AND COORDINATION

7. All communications between the agency and the Governor's Office referring or relating to hospice oversight, fraud detection, licensing, audits, enforcement, or program integrity concerns.
8. All communications with federal agencies, including but not limited to CMS, the HHS OIG, and DOJ, concerning hospice fraud in California.

To facilitate a reasonable and efficient search, the agency may identify responsive communications using search terms including, but not limited to: 'fraud,' 'red flag,' 'ghost patient,' 'kickback,' 'ineligible patient,' 'not terminal,' 'live discharge,' 'patient trafficking,' 'licensure,' 'shared address,' 'co-located,' 'no patients found,' 'overbilling,' 'billing anomaly,' 'outlier,' 'audit,' 'overpayment,' 'decline to pursue,' 'no action,' 'referral,' and 'whistleblower.' These terms are intended to guide searches and are not intended to limit the scope of otherwise responsive records.

IV. AUDITS, BILLING, AND PROGRAM INTEGRITY

9. All audit reports, payment reviews, or billing analyses concerning hospice providers, including documents identifying improper billing, overpayments, or fraud indicators.
10. All documents reflecting data analysis, trend reports, or internal monitoring identifying:
 - Abnormal billing patterns;
 - High reimbursement per patient; or
 - Unusual discharge or survival patterns inconsistent with hospice eligibility.

V. REFERRALS AND PROSECUTION

11. All referrals made by the agency to state or federal law enforcement entities regarding hospice fraud.
12. All records relating to hospice providers reflecting the number of:
 - Complaints received;
 - Investigations opened;
 - Enforcement actions taken; or
 - Referrals for prosecution.

DEFINITIONS

“COMMUNICATION(S)” means every manner or method of disclosure, exchange of information, statement, or discussion between or among two or more persons, including but not limited to, face-to-face and telephone conversations, correspondence, memoranda, telegrams, telexes, email messages, voice-mail messages, text messages, Slack messages, meeting minutes, discussions, releases, statements, reports, publications, and any recordings or reproductions thereof.

“REFERS,” “REFERRING TO,” “REGARDS,” “REGARDING,” “RELATES,” “RELATING TO,” “CONCERNS,” “BEARS UPON,” or “PERTAINS TO” mean containing, alluding to, responding to, commenting upon, discussing, showing, disclosing, explaining, mentioning, analyzing, constituting, comprising, evidencing, setting forth, summarizing, or characterizing, either directly or indirectly, in whole or in part.

“INCLUDING” means comprising part of, but not being limited to, the whole.

INSTRUCTIONS

The words “and” and “or” shall be construed in the conjunctive or disjunctive, whichever is most inclusive.

The singular form shall include the plural form and vice versa.

The present tense shall include the past tense and vice versa.

In producing the records described above, please segregate them by reference to each of the numbered items of this request.

For ease of administration and to conserve resources, we ask that documents be produced in a readily accessible electronic format. Thank you for your time and consideration. Please do not hesitate to contact me with any questions.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information.

If you have any questions about this request, please contact Empower Oversight Attorney Bobby Cheren by e-mail at bcheren@empowr.us.

FEE WAIVER REQUEST

Empower Oversight is a non-profit educational organization as defined under Section 501(c)(3) of the Internal Revenue Code, which helps insiders safely and legally report waste, fraud, abuse, corruption, and misconduct to the proper authorities, and seeks to hold those authorities accountable to act on such reports by, among other means, publishing information concerning the same.

Further, the information that Empower Oversight seeks is in the public interest because it is likely to contribute significantly to the public's understanding of potential fraud in hospice programs receiving federal and state funds in New York. Empower Oversight is committed to government accountability, public integrity, and transparency. In the latter regard, the information that Empower Oversight receives that tends to explain the subject matter of this request will be disclosed publicly via its website, and copies will be shared with other news media for public dissemination.

Cordially,
[/Tristan Leavitt/](#)
Tristan Leavitt
President