



CONSUMER PROTECTION QUARTERLY

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the Office of the Nevada Attorney General

A Message from the Attorney General

A major responsibility of the Office of the Attorney General is to ensure the laws of the state are upheld. Nevada statutes are passed by the Legislature and signed into law by the Governor.

During the biennial Legislative sessions, the AGO is invited to submit a number of bills for consideration. In the 2011 Session, we submitted 15 bills for consideration. Twelve of these were passed by the Legislature and signed into law.

When considering what bills we wish to submit, we review issues that have been raised throughout the state that might benefit from the creation of a new law or an adjustment of an existing statute to address an issue or problem. Tightening and clarification of language of an existing bill often ensures a greater understanding of the statute and enables law enforcement and prosecutors to better determine whether a violation of a particular law has taken place. A good example of this is SB 55 which provides additional tools to protect the elderly.

Current law allows civil action against persons found guilty of abuse, neglect, exploitation or isolation of an older person. Unfortunately, crimes such as assault, battery, burglary, larceny and mortgage fraud are not covered as part of the existing civil statute. SB 55 expands the list of crimes committed against our seniors that are subject to civil penalty.

One of our bills, SB 66, addresses the issue of domestic violence throughout our state. Nearly one-third of all women murdered in the United States in recent years were murdered by a current or former intimate partner. Nevada consistently ranks in the top five states for women murdered by men according to the Violence Policy Center. SB 66 authorizes the Office of the Attorney General to organize a multi-disciplinary team to review the deaths of victims of crimes that constitute domestic violence. These Fatality Reviews allow us to recreate the experiences of the victims, perpetrators and other parties involved in the case, including possible compromises and challenges the parties faced in accessing services. This enables us to improve services, plug gaps and increase communications between agencies.

Medicaid services low-income adults and their children and people with certain disabilities. Unfortunately, like many government programs that disburse funds for goods and services, these programs attract scam artists seeking to game the system. AB 56 provides the Attorney General's Medicaid Fraud Control unit with additional tools to investigate these individuals and bring them to justice.

For a complete list of the bills submitted by the Office of the Attorney General and passed by the 2011 Legislature, go to our web site www.ag.state.nv.us.



MEDICAID FRAUD COSTS US ALL \$\$\$

“The integrity of the Medicaid system must be protected,” said Attorney General Masto. “My office will aggressively pursue and prosecute those people who would steal from Medicaid and at the same time cheat recipients out of receiving necessary care. We are sending a message to those in the health care community that Medicaid fraud will be punished. Additionally, the money we recover is returned to the system for use by those in need of services.”

The Nevada Attorney General's Medicaid Fraud Control Unit investigates and prosecutes financial fraud by those providing healthcare services or goods to Medicaid patients. The unit also investigates and prosecutes instances of elder abuse or neglect.

Some cases handled by the Medicaid Fraud Control Unit include:

- Jessica Enamorado, age 39, was sentenced for Medicaid Fraud. Enamorado pled guilty to a gross misdemeanor offense: Intentional Failure to Maintain Adequate Records.
- Patricia Caldwell, age 48, was sentenced for two felony offenses of Submission of False Claims: Medicaid Fraud as well as a gross misdemeanor for Failure to Maintain Adequate Records.
- Phillip Harris, age 71, was sentenced for Medicaid fraud. Harris pled guilty to a misdemeanor offense of Submission of False Medicaid Claims.
- Youngsook Kwon, age 57, was sentenced for a misdemeanor offense of Submission of False Medicaid Claims
- Yolanda Hoskins, age 44, was sentenced for the gross misdemeanor offense of Intentional Failure to Maintain Adequate Records
- Angelia Chupa, age 50, was sentenced for two misdemeanor offenses of Submission of False Claims
- Jianzhu Liang, age 51, was sentenced for Medicaid Fraud. Liang pled guilty to a gross misdemeanor offense: Intentional Failure to Maintain Adequate Records.



In addition to processing criminal cases, the Nevada Attorney General's office also works with other states in the pursuit of civil litigation against large national providers of medical goods and services, including pharmaceutical manufacturers. During the first six months of 2011, these efforts recouped in excess of \$1 million dollars for the Medicaid program. This figure represents a combined total of state and federal dollars, with the Nevada portion representing just over \$500,000.

Anyone wishing to report suspicions or concerns regarding possible financial fraud by those providing goods or services to Medicaid patients or elder abuse and neglect can contact the Medicaid Fraud Control Unit in Carson City (775) 684-1191 or in Las Vegas (702) 486-3187. Medicaid fraud information can also be found on the Attorney General's web site: <http://ag.state.nv.us>

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General telephone numbers for the Nevada Attorney General's Office are 775.684.1100 or 702.486.3420.
Office addresses are: 100 N. Carson Street, Carson City, Nevada 89701 or 555 E. Washington Avenue, Suite 3900, Las Vegas, Nevada 89101

VICTIM INFORMATION SYSTEM (VINE) BEING ROLLED OUT STATEWIDE

In 2009, The Nevada Attorney General's Office (AGO) received a grant for \$819,267 from the Bureau of Justice Assistance to implement a Statewide Automated Victim Information and Notification for the State of Nevada (NV VINE). Nevada crime victims and other concerned citizens will have around-the-clock access to custody information about offenders held in jails or prisons throughout the state.

NV VINE will connect the state's county jails, the Department of Corrections, Probation and Parole and other law enforcement agencies. In recent years, Clark and Washoe counties along with North Las Vegas have contracted for their own VINE services. Altogether, more than three and a half million phone calls (in and outbound) have been made in Nevada and nearly 300,000 searches have been conducted on line. Clark and Washoe counties will be incorporated into the statewide system.

NV VINE has been launched in six rural counties to date – Douglas, Esmeralda, Elko, Humboldt, Lander and Lyon. It is currently being implemented and tested in the following counties and detention centers – Churchill, Nye, Carson City, Lincoln, Las Vegas Enforcement and Detention, City of Mesquite and Henderson Detention Center. The expected statewide completion date is June 30, 2012.

Users can contact Nevada VINE at 1-888-2NV-VINE (888-268-8463) or www.vinelink.com to track the custody status of an offender or register to be notified by phone or e-mail in the event of a transfer, release, or escape. Live operators are available 24 hours a day, seven days a week to assist victims who need help obtaining offender information or registering for notification. The service is free and anonymous.



Nevada Victims' Bill of Rights

The 1983 Nevada Legislature mandated certain rights and guarantees to crime victims and witnesses. Accordingly, [Chapter 178](#) of the Nevada Revised Statutes recognizes the following needs and rights of crime victims.

You have the right:

- To know the status of the case in which you are involved
- To be free from intimidation or dissuasion
- To know when your impounded property may be released.
- To receive a witness fee for lawful obedience to a subpoena.
- To understand the existing victim compensation laws and receive compensation if applicable.
- To a secure waiting area, which is not available to the defendant or his family, when you are at court.
- To know when the defendant is released from custody before or during trial (upon written request).
- To know when the offender is released from prison (upon written request).

More information on victims' rights in Nevada is available in the booklet "[Your Rights and Responsibilities as a Crime Victim and Witness](#)", produced by the [Nevada Advisory Council for Prosecuting Attorneys](#). The booklet is available online by clicking on the link above or in hard copy by calling the Nevada Attorney General's Reno Office at 775-688-1818.

Another resource for victims of crime is compensation for expenses related to the crime that impacted their life. The Nevada Victims of Crime Compensation program will assist victims with expenses related to medical costs, mental health counseling, funeral and burial costs, safety planning and lost wages or loss of support. Please visit the website at www.voc.nv.gov or contact 702.486.2740 in Southern Nevada or 775.688.2900 in Northern Nevada.

AWARENESS AND WARNINGS

GROCERY COUPON RADIO AD ALERT

The Office of the Attorney General reports a radio advertisement is being aired in Nevada offering \$2,000 in grocery coupons for shopping. Consumers are directed to call a toll-free telephone number which goes to an inbound telemarketing company.

When calling the number, the consumer will be asked to provide his or her credit card information. A packet will be mailed with information, either offering or actually signing the consumer up for a variety of “programs” which can cost the consumer hundreds of dollars if he or she does not call and cancel the services within a few days. The packets do not include \$2,000 in grocery coupons and the consumer will be charged a fee “for shipping and handling” of the information packet.

The packet directs the consumer to GrocerySavers.com. While GrocerySavers is a legitimate coupon provider, the coupons it provides are not free. They cost 10% of the face value of the coupons plus a service charge. The offer of \$2000 in grocery coupons will ultimately cost the consumer \$200 plus shipping and handling. Many of the coupons offered can be obtained free at the merchant’s or manufacturer’s websites.



Citizens are warned be alert to “free” offerings. Never provide information about your credit cards, bank accounts, or other financial information to persons unknown to you. A quick search on the Internet about a company or its offers can prevent you from being a victim.

THESE ARE NOT YOUR MOTHER’S BATH SALTS

An emerging menace called “bath salts” is becoming increasingly popular as a designer drug. The scariest part is, as of now, there is no federal law prohibiting their sale.

These drugs are sold over the counter in convenience stores, head shops and over the Internet with exotic sounding names such as “Tranquility,” “Red Dove,” “Ivory Snow,” or “Vanilla Sky.” They are marketed as bath sales and labeled “not for human consumption” which has enabled them to avoid being specifically enumerated as illegal. The drug is marketed toward young people who think they can get high without breaking the law since the substances are not illegal.

The drug contains mephedrone and the compound methylenedioxypyrovalerone, or MDPV and when ingested can cause agitation, paranoia, hallucinations, chest pain and suicidal thoughts. Users have ended up in emergency rooms after having slashed themselves during a hallucination episode. Some have committed suicide.



MEDICARE BENEFICIARIES WARNED OF DIABETIC SUPPLIES SCAM

Nevada’s Medicare beneficiaries are warned of unsolicited phone calls regarding their eligibility for new diabetic meters that are generally covered by Medicare under the beneficiary’s Medicare Part B. The caller claims to be a government agency representative and is informing the Medicare beneficiary they are eligible for a new glucose meter. The caller asks the beneficiary to confirm “you are who you say you are” and requests the beneficiary’s Medicare number.

In the instance that was reported to the Nevada Senior Medicare Patrol, the beneficiary told the caller that he was not comfortable in providing that information over the phone and asked the caller to send a form to provide the information. The caller promptly hung up. Medicare will never make unsolicited calls to a beneficiary.

If seniors receive any phone calls such as the scam above, or for more general information on potential Medicare and healthcare fraud, errors or abuse, please call the Nevada SMP – Senior Medicare Patrol at 1-888-838-7305.

MOBILE COMPUTING DEVICE TIPS FROM MS-ISAC



Mobile computing devices include mobile phones, IP phones, pagers, BlackBerry devices, iPhones, smart phones, and portable storage devices, such as USB drives. Some of these devices are multifunctional and may be used for voice calls, text messages, email, Internet access, and may allow access to computers and/or networks. Some also include Near Field Communication (NFC) capabilities, which allows the user to perform activities such as debit/credit card transactions or utilizing the device as a car and/or house key. While increased productivity is a positive feature for any organization, the risks associated with mobile devices can be significant and include issues stemming from human factors to technological issues.

A significant amount of personal, private and/or sensitive information may be stored or accessed via mobile devices. The portable nature of mobile devices makes it more difficult to implement physical controls. Additionally, the fact that some employees are increasingly using their personal mobile devices for business purposes have resulted in heightened risks. Ironically, many of the risks associated with mobile devices exist because of their biggest benefit: portability. Many of these devices can store vast amounts of data, making them vulnerable to unauthorized access to the information from either interception of data in transit or theft or loss of a device. In addition to data loss, mobile computing devices carry the risk of introducing malware. Certain types of malware can infect the devices or can be used as a platform for malicious activity. Devices with onboard microphones and cameras are also vulnerable to unintended activity through publicly available tools, possibly resulting in eavesdropping or tracing the device's location. Cellular and Voice-over IP (VoIP) technologies also have vulnerabilities that can be easily exploited, resulting in intercepted calls.

What Can Be Done to Secure Mobile Computing Devices?

The protection of mobile devices must be a primary task for organizations. The following steps can help you protect your data and your mobile computing device.

- Keep your mobile device physically secure.
- Control what data is stored on the device. Do not store unnecessary or sensitive information.
- Use a secure password or PIN to access your device.
- Disable features and services that are not needed (Bluetooth, WIFI, GPS, etc.)
- Enable storage encryption. This will help protect stored data in the event it is lost or stolen.
- If available, consider installing anti-virus software for your mobile device.
- Keep all system and application software patched and up-to-date.
- Download applications only from vendor-authorized sites. Sites offering "free games" or "ring tones" are sources for distributing malware.
- Do not open attachments from untrusted sources.
- Do not follow links to untrusted sources, especially from unsolicited email or text messages.
- If your device is lost, report it immediately to your carrier or organization.
- Before disposing the device be sure to wipe all data from it.

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