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TONY R. MOORE, CLERK
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA, LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

CENTRAL LOUISIANA HOME
HEALTH CARE, L.L.C.

CIVIL ACTION 1:17-CV-00346

VERSUS

JUDGE DRELL

THOMAS E. PRICE, M.D.,
SECRETARY OF THE
DEPARTMENT OF HEALTH
AND HUMAN SERVICES

MAGISTRATE JUDGE PEREZ-MONTES

J U D G M E N T


Having reviewed the Report and Recommendation of the Magistrate Judge, previously filed herein, as well as having conducted an independent (de novo) review of the record including the objections filed herein, we conclude the findings and recommendation are correct under the applicable law. Additionally, we find, in this case, that the 32.5% precision level cannot stand particularly in light of this auditor's abuse of the incentive program compensating an auditor with a percentage of the recovery amount it finds. Accordingly, it is

ORDERED that CLHHC's Motion for Summary Judgment (Doc. 51) is **GRANTED in part and DENIED in part**, and the Secretary's Motion for Summary Judgment is **GRANTED in PART and DENIED** (Doc. 68), in the following respects:

- (1) As to the award of overpayment due to the invalidity of the statistical analysis and extrapolation, CLHHC's motion is **GRANTED**, the Secretary's motion is **DENIED**, and the decision of the Appeals Council is **REVERSED**.

- (2) As to the individual beneficiary claims for GB, WF, RG, MH, WH, OJ, FL, WM, WMc, AP, LP, ES, DS, and HT, CLHHC's Motion is DENIED, the Secretary's Motion is GRANTED (Doc. 68), and the decision of the Appeals Council is AFFIRMED.
- (3) As to the individual beneficiary claims for the individual beneficiary claim for VC, CLHHC's motion is GRANTED, the Secretary's motion is DENIED, and the decision of the Appeals Council is REVERSED.
- (4) As to the denial of waiver of recoupment for payments for GB, WF, RG, MH, WH, OJ, FL, WM, WMc, AP, LP, ES, DS, and HT, CLHHC's motion is DENIED, the Secretary's motion is GRANTED, and the decision of the Appeals Council is AFFIRMED
- (5) As to the denial of waiver of recoupment as to the payment for VC, CLHHC's motion is GRANTED, the Secretary's motion for is DENIED, the decision of the Appeals Council is REVERSED, and CLHHC is granted a waiver of recoupment as to the payment for services for VC.

SIGNED this ^{8th} 26 day of March 2019, at Alexandria, Louisiana.



JUDGE DEE D. DRELL
UNITED STATES DISTRICT COURT