

Pennsylvania Attorney General Announces Nursing Home Criminal Investigations

On May 12, Attorney General (AG) Josh Shapiro announced that the office's Care-Dependent Neglect Team, which is part of the Medicaid Fraud Control unit, has launched investigations on potential cases of criminal neglect in several nursing homes around the state, noting "we will hold nursing facilities and caretakers criminally accountable if they fail to properly provide care to our loved ones." (Announcement) The investigations are part of a greater push to stymie the spread of COVID-19 through the commonwealth's long-term care facilities, which, to date, account for the majority of Pennsylvania's known COVID-19-related fatalities. On the same date as the announcement, the Pennsylvania Department of Health (DOH) released updated nursing home guidance with recommendations on admissions/readmissions, visitors, and infection control and also released an alert on nursing home testing, recommending widespread testing at any facilities with confirmed or suspected cases of COVID-19 to detect potential carriers among residents or staff that could spark an outbreak. At facilities with no confirmed cases, the DOH recommends testing 20 percent of staff and residents weekly.

The AG's announcement and DOH guidance were released less than a week after Governor Wolf signed an executive order granting immunity to any individual who holds a license, certificate, registration, or certification to practice a health care profession or occupation in Pennsylvania and who is engaged in providing COVID-19 medical and health treatment or services during the COVID-19 disaster emergency response. Notably, this immunity does not extend to acts or omissions that constitute a crime, gross negligence, or fraud, malice, or other willful misconduct.

We will continue to monitor the AG's investigations and any resulting criminal penalties.



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