



# MEDICAID FRAUD REPORT

**National Association  
of Medicaid Fraud Control Units**

**May/June 2010**

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### **Pediatrician Convicted of Computer Crime by South Carolina MFCU**

Attorney General Henry McMaster announced on June 22 that Dr. Saroj Kumar Parida was convicted of one count of computer crime, first degree. Dr. Parida specializes in pediatrics and neonatology and has connections to South Carolina that include a residency at St. Francis Hospital. From his Lititz, Pennsylvania home, Dr. Parida founded “The Download Center,” an internet-based service that he operated which received infants’ sleep monitor data which was uploaded to his computer. Dr. Parida would use the infants’ Medicaid information to bill the South Carolina Medicaid program for a variety of procedures that he never performed. Dr. Parida accessed or caused to be accessed a computer system from on or about July 2006 to February 2009 for the purpose of receiving payment from the South Carolina Medicaid Program for services not rendered under Code 95810.

Dr. Parida was sentenced to five years imprisonment to run concurrently with his eight year sentence in federal court. Dr. Parida had pleaded guilty in January to federal charges of health care and mail fraud. Dr. Parida will pay restitution in the amount of \$2,585,146.22 to the South Carolina Medicaid Program, and \$405,771.13 to SelectHealth, a managed care organization that contracts with the South Carolina Medicaid Program to provide services to Medicaid recipients. Dr. Parida will also pay other fees and costs associated with his plea.

For further information contact Assistant Deputy Attorney General Charles W. Gambrell, Jr., Assistant Attorney General Sara McCartha, or Special Investigator Jay Evans (803) 734-3660.

**CASES**

**Assisted Living Facilities: Florida**

Attorney General Bill McCollum announced on May 19 that a woman is in custody for operating an assisted living facility without a license. Novlette Whyte-Miller was arrested by the Medicaid Fraud Control Unit investigators with assistance from the St. Lucie County Sheriff's Office.

MFCU investigators determined that Whyte-Miller owned and operated an assisted living facility, but Whyte-Miller admitted that she did not possess any of the required licenses required by Agency of Health Care Administration (AHCA).

For further information contact David Lewis, Director (850) 414-3910, or Regional Chief Luis Martinez (561) 837-5000.

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Attorney General McCollum announced on May 24 that Peter and Maria Lombardo have been taken into custody on charges they were operating an assisted living facility without a license.

EMTs found five elderly females residing in substandard conditions at a home owned by the Lombardos. MFCU investigators determined that Peter Lombardo and his wife, Maria Lombardo were operating an assisted living facility without a license. The Lombardos currently have one licensed facility, but failed to license their three other homes, including the home at which the elderly victims were reportedly living.

For further information contact David Lewis, Director (850) 414-3910, or Regional Chief Scott Farr (813) 287-7940.

**Community Support Services: North Carolina**

Attorney General Roy Cooper announced on May 28 that Tondra Denice Sanders was sentenced on March 2, to 45 days, suspended for 12 months with supervised probation, for one count of soliciting to obtain property by false pretense. Sanders made, and caused to be made, an application for payment to the Medicaid Program for providing Community Support Services to Medicaid recipients by Sunlight Behavioral Center at a Qualified Professional (QP) level when Sanders did not meet the QP educational requirement. Sanders did this by signing a job description acknowledging that she understood that a four year degree was required for the Qualified Professional position pursuant to the North Carolina Administrative Code when she in fact did not have one. Sanders was also ordered to pay restitution in the amount of \$1,407 to the Medicaid Program.

For further information contact Charlie Hobgood, Director or Deputy Director Pete Krupp (919) 881-2320.

**Drug Diversion: Oregon**

Attorney General John Kroger announced on May 12 that Rhonda Frakes, a former Director of Nursing of a nursing facility, was convicted in court of two counts of criminal mistreatment in the first degree and sentenced to three years of supervised probation, 30 days in jail and 100 hours of community service. Frakes stole Percocet from clients for her own personal use. An investigation revealed that Frakes would check out narcotics in excess of what was actually administered to the patients and keep the remaining for her own personal use.

For further information contact Assistant Attorney General Sheen Y. Wu (971) 673-1992.

**Drug Diversion: Texas**

Attorney General Greg Abbott announced on May 12 that nurse practitioner James Michael Bush was indicted by a state grand jury for possession of a controlled substance by fraud. Bush, while employed by Clearfork Health Care, allegedly diverted Nalbuphine for his own use.

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Attorney General Abbott announced on May 13 that Glenda Gail Fuege received two years of deferred adjudication community supervision, and was ordered to pay \$500 in fines and \$345 in court costs after pleading guilty to prescription fraud in state court. Fuege was also ordered to perform 100 hours of community service. Fuege, a former employee at the Knopp Healthcare Center, diverted Hydrocodone tablets for her own use.

For further information on both cases contact Rick Copeland, Director or Chief Investigator Jim Fossum (512) 371-4700.

**Durable Medical Equipment: Texas**

Attorney General Abbott announced on May 3 that M. Jeanette Garcia, Eleazar "Eli" Garcia, and John D. Martinez were sentenced in federal court. Jeanette Garcia was sentenced to 80 months in federal prison and three years supervised release. Eleazar Garcia was sentenced to 51 months in federal prison, three years supervised release, and was ordered to pay \$492,000 in restitution. John D. Martinez was sentenced to 35 months in federal prison, three years supervised release, and was ordered to pay \$202,000 in restitution. They were convicted by a federal jury of conspiracy and healthcare fraud.

The Garcias owned Orthopedic Specialist DME (OSDME) and John Martinez co-owned San Antonio Orthotics and Artificial Limbs. The subjects allegedly submitted false claims to Medicare and Medicaid for orthotic and prosthetic goods and services furnished by Eli Garcia through OSDME. Martinez is a licensed orthotist who worked one day per week at OSDME. For his services, he received a percentage of the money obtained from Medicare and Medicaid for work done by Eli Garcia. OSDME allegedly obtained approximately \$1 million from Medicaid, Medicare and private insurance for services not provided by a licensed orthotic and prosthetic individual.

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Attorney General Abbott announced on May 12 that Jose Trinidad Molina was indicted by a state grand jury for Medicaid fraud and fraudulent use of identifying information. Molina is the owner/operator of Priority Care of America, a durable medical equipment (DME) company. Priority Care billed Medicaid and Medicare for diabetic supplies that were allegedly not delivered, for deceased clients, and for products that the DME did not purchase.

For further information on both cases contact Rick Copeland, Director or Chief Investigator Jim Fossum (512) 371-4700.

### **Home Health Care Aides: North Carolina**

Attorney General Cooper announced on May 28 that Eddie Jean Price, a home health care aide, falsified and submitted timesheets to her employer for services billed but not rendered to a Medicaid recipient. Price provided services to the Medicaid recipient three days a week but submitted timesheets indicating she worked six days a week.

On October 5, 2009, Price pleaded guilty to five counts of Medicaid fraud. She was sentenced by to serve a minimum of six to eight months maximum in jail, suspended for 60 months; 60 months of supervised probation and ordered to pay restitution in the amount of \$6,693.

For further information contact Charlie Hobgood, Director or Deputy Director Pete Krupp (919) 881-2320.

### **Home Health Care Aides: Ohio**

Attorney General Richard Cordray announced on May 13 that Renee Pernell was sentenced to three years of community control, and ordered to pay restitution in the amount of \$25,700.76 jointly and severally with court costs to be determined. If Pernell violates community control she will receive a prison term of 12 months.

On January 19, an indictment was filed charging Pernell with one count of complicity to commit theft, a felony of the fourth degree. On March 25, Pernell pleaded guilty to one count of complicity to commit theft by deception, a felony of the fourth degree.

Pernell, a mother of a Medicaid recipient, accepted money from the provider in lieu of some of the daily living services her son should have received.

For further information contact Associate Assistant Attorney General Claude Nicholson (614) 466-0722.

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Attorney General Cordray announced on May 17 that Rane Heeter pleaded guilty to theft, a felony of the fifth degree and was sentenced to five years of community control, 150 hours of community service, and ordered to pay restitution in the amount of \$9,531 and court costs of \$1. If

Heeter violates community control, he will receive a prison term of six months.

On September 15, 2009, an indictment was filed charging Heeter with one count of theft by deception, a felony of the fourth degree. Heeter, a home health aide, billed for services not rendered.

For further information contact Principal Assistant Attorney General Jordan Finegold (614) 466-0722.

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Attorney General Cordray announced on May 27 that Edward Daniels pleaded guilty to one count of complicity to commit theft by deception, a felony of the fourth degree and was sentenced to five years probation and ordered to pay restitution in the amount of \$ 114,193.50.

On January 19, an indictment was filed charging Daniels with one count of complicity to commit theft, a felony of the third degree. Daniels, a father of Medicaid recipients, accepted money from the provider in lieu of some of the daily living services her sons should have received.

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Attorney General Cordray announced on May 27 that Kimberly Jones-Daniels was sentenced to 16 months in jail and ordered to pay restitution in the amount of \$114,193.50.

On January 19, an indictment was filed charging Jones-Daniels with one count of complicity to commit theft, a felony of the third degree. On April 14, Jones-Daniels pleaded guilty to one count of complicity to commit theft by deception, a felony of the fourth degree.

Jones-Daniels, a mother of Medicaid recipients, accepted money from the provider in lieu of some of the daily living services that her sons should have received.

For further information on both cases contact Associate Assistant Attorney General Claude Nicholson (614) 466-0722.

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Attorney General Cordray announced on May 21 that Clinton McKinney was sentenced to 180 days in jail, which was suspended, five years probation, and ordered to pay restitution in the amount of \$4,960.16 and court costs to be determined.

On October 27, 2009, an indictment was returned charging McKinney with one count of theft, a felony of the fifth degree. On February 10, McKinney pleaded guilty to one count of theft by deception, a misdemeanor of the first degree. McKinney, a home health aide, billed for services not rendered.

For further information contact Associate Assistant Attorney General Shawn Napier (614) 466-0722.

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Attorney General Cordray announced on May 27 that Ruppert Dean pleaded guilty to one count of complicity to commit theft by deception, a misdemeanor of the first degree and was sentenced to six months in jail, which was suspended, two years probation, and ordered to pay restitution in the amount of \$2,000.

On January 19, an indictment was returned charging Ruppert Dean with one count of complicity to commit theft, a felony of the fifth degree. Dean, a Medicaid recipient, was involved in a kickback scheme with his provider.

For further information contact Associate Assistant Attorney General Claude Nicholson (614) 466-0722.

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Attorney General Cordray announced on June 8 that Angela Barnett pleaded guilty to one count of theft, a misdemeanor of the first degree and was ordered to pay restitution in the amount of \$865.20 and serve 180 days in jail. Jail sentence will be suspended providing restitution is paid in full on or before August 9.

On March 16, an indictment was filed charging Barnett with one count of theft, a felony of the fifth degree. Barnett, a home health care aide, billed for more hours than were actually provided.

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Attorney General Cordray announced on June 11 that Theresa Fetty was sentenced to five years community control, and ordered to pay restitution in the amount of \$42,395.48.

On December 15, 2009, an indictment was filed charging Fetty with one count of theft, a felony of the fourth degree. On April 29, Fetty pleaded guilty to one count of theft, a felony of the fourth degree. Fetty, an independent provider, billed for services not rendered.

For further information on both cases contact Assistant Attorney General Brian Peters (614) 466-0722.

\* \* \* \*

Attorney General Cordray announced on June 11 that Stanley James pleaded guilty to one count of complicity to commit theft, a felony of the fourth degree and was sentenced to five years of community control, and ordered to pay restitution in the amount of \$9,944.

On January 19, an indictment was filed charging James with one count of complicity to commit theft, a felony of the fourth degree.

James, accepted payments from a provider to provide daily living services which he was not

authorized because he did not have a provider agreement. All services billed were not provided.

For further information contact Associate Assistant Attorney General Claude Nicholson (614) 466-0722.

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Attorney General Cordray announced on June 11 that Melissa Vance was sentenced to five years community control, 350 hours of community service, ordered to submit to outpatient drug/alcohol testing, must obtain full time employment and obtain a GED, must attend 100 Narcotics Anonymous meetings, and ordered to pay a fine of \$500 and restitution in the amount of \$35,408.31.

On December 15, 2009, an indictment was filed charging Vance with one count of theft, a felony of the fourth degree. On April 27, Vance pleaded guilty to one count of theft, a felony of the fourth degree. Vance, an independent provider, billed for services not rendered.

For further information contact Senior Assistant Attorney General Connie Nearhood (614) 466-0722.

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Attorney General Cordray announced on June 11 that Eileen Warren was sentenced to five years of community control, and ordered to pay restitution in the amount of \$17,604.

On January 19, an indictment was filed charging Warren with one count of theft by deception, a felony of the fourth degree. On April 21, Warren pleaded guilty to one count of theft by deception, a felony of the fifth degree. Warren, an independent provider billed for services not rendered.

For further information contact Associate Assistant Attorney General Shawn Napier (614) 466-0722.

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Attorney General Cordray announced on June 14 that Tonia Ware pleaded guilty to one count of theft, a misdemeanor of the first degree and was sentenced to 180 days in jail. Jail time will be suspended providing restitution is paid in full in the amount of \$790.12 on or before September 13. On February 16, an indictment was filed charging Ware with one count of theft, a felony of the fifth degree.

Ware, an independent provider, billed for services not rendered and was involved in a kickback scheme with the grandmother of the Medicaid recipients.

For further information contact Principal Assistant Attorney General Jordan Finegold (614) 466-0722.

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Attorney General Cordray announced on June 21 that Joy Costello pleaded guilty to one count of theft by deception, a misdemeanor of the first degree and was sentenced to six months in jail. Costello will pay court costs in an amount to be determined. Jail sentence will be suspended, provided costs are paid by September 21.

On January 19, an indictment was filed charging Costello with one count of theft by deception, a felony of the fifth degree and two counts of forgery, both felonies of the fifth degree. Costello, an independent provider billed for services not rendered.

For further information contact Associate Assistant Attorney General Shawn Napier (614) 466-0722.

### **Home Health Care Aides: Vermont**

Attorney General William H. Sorrell announced on June 16 that a caregiver of a disabled woman billed Vermont Medicaid for over \$14,000 by billing for services that were never provided over the span of almost five months. Marja Lawrence was arraigned on June 15 in district court on one felony count of Medicaid Fraud and one felony count of False Pretenses. The court imposed conditions of release governing her conduct while the case is pending.

According to papers filed in court, Lawrence is accused of submitting claims for payments in excess of \$14,000 for providing care under Vermont Medicaid's Choices for Care program when, in fact, she provided no such care. The Choices for Care program is a Medicaid-funded, long-term care program to pay for care and support for older Vermonters and people with physical disabilities. Court papers also state that Lawrence allegedly forged another person's signature on these claims, thereby falsely authorizing payment to herself. She pleaded not guilty to the charges.

For further information contact Assistant Attorney General Linda Purdy (802) 828-5332.

### **Nurses: California**

Attorney General Edmund G. Brown Jr. announced on May 18 that Leonel Donadin Gonzalez, Anna Loreta Sambo, Marygrace Paren Valdevieso and Vivian Marilyn Ebo Francisco participated in a scheme to defraud the Medicaid program by providing care to clients by unlicensed personnel that is required to be done by an LVN. These services were billed to the Medicaid program as if rendered by an LVN. They were indicted in the United States District Court, Central District of California. All defendants pleaded guilty.

On May 10, Gonzalez was sentenced to three years probation on the condition that he pay \$78,554.11 in restitution to the California Medicaid program and a \$100 assessment to the United States District Court. Sambo was sentenced to three years probation on the condition that she pay \$50,588.82 in restitution to the California Medicaid program and a \$100 assessment to the United States District Court.

On May 17, Valdevieso was sentenced to federal prison for the time served, three years parole, ordered to pay \$83,433.91 in restitution to the California Medicaid program and a \$100 assessment to the United States District Court. Francisco was sentenced to 36 months probation on the condition that she pay \$38,905.70 in restitution to the California Medicaid program and a \$100 assessment to the United States District Court.

For further information contact Special Agent Supervisor Shawn Collins (949) 588-3883.

### **Nurses: Ohio**

Attorney General Cordray announced on May 28 that Tara Summerville was sentenced to five years community control, and ordered to pay restitution in the amount of \$5,391.80.

On February 17, 2009, an indictment was filed charging Summerville of one count of theft by deception, a felony of the fourth degree. On April 9, Summerville pleaded guilty to one count of theft by deception, a felony of the fifth degree. Summerville, an LPN billed for services not rendered.

For further information contact Assistant Attorney General Brian Peters (614) 466-0722.

### **Nurses: South Dakota**

Attorney General Marty J. Jackley announced on June 25 that a settlement was reached with The Evangelical Lutheran Good Samaritan Society (“Good Samaritan”) in a civil case involving health care fraud. Good Samaritan operates nursing homes in South Dakota and other states.

Good Samaritan paid \$480,137 to settle allegations that it improperly billed federal and state agencies for services provided by a registered nurse who was prohibited from working for facilities receiving federal and state health care funds due to a previous criminal conviction for diverting controlled substances from patients. Following an investigation into this matter, Good Samaritan discovered it had incorrectly billed for the services of six other employees – none of whom worked in South Dakota. As a result of the additional investigation, Good Samaritan will also voluntarily return approximately \$200,000.

According to the settlement agreement, Good Samaritan denied the allegations made by South Dakota, but settled the case without admitting liability to avoid the delay, uncertainty, inconvenience, and expense of protracted litigation.

For further information contact Paul Cremer, Director (605) 773-4102.

### **Patient Trust Funds: Arizona**

Attorney General Terry Goddard announced on May 5 that Sylvia Nerey was sentenced to 90 days in the county jail, five years of probation, 60 hours of community service restitution, ordered to pay restitution to the victim in the amount of \$30,665.72 and \$1,000 in investigative

costs to the Medicaid Fraud Control Unit. It was further ordered that the defendant sign and submit all required paperwork requesting to cash out the entire balance of her pension fund. The entire balance remitted to her from those accounts shall be applied towards restitution owed to the victim in this case.

Nerey was employed by a Medicaid provider that provided assistance to clients with psychological and drug related behavioral problems. Nerey worked in the accounts payable area in the finance section. Part of her duties was to issue checks for accounts-payable. From October 2006 to October 2008 Sylvia Nerey entered into a scheme to defraud her employer of \$30,665.72 by creating eighteen fraudulent checks and either depositing them or cashing them into her personal account(s). The crimes were detected after an audit of her employer's accounts payable computer system. Nerey would create the bill in the computer system, she would then print a check for the real creditor which she later altered by changing the payable name on the checks to her name.

A Complaint/Information was filed against Nerey on January 25 in open court. The defendant was charged with one count of fraud, a class 2 felony, one count theft, a class 2 felony, and 18 counts of forgery, class 4 felonies. Nerey pleaded guilty to an amended theft charge, a class 3 felony.

For further information contact Assistant Attorney General Christina Vejar (520) 628-6362.

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Attorney General Goddard announced on April 14 that Natasha Marr pleaded guilty to theft. Marr was sentenced to two years of probation and ordered to pay restitution to Mercy Care in the amount of \$1,450.80.

On October 22, 2008 and October 25, 2008, Marr cashed reimbursement checks belonging to Estrella Internal Medicine, a doctor's office. Estrella Internal Medicine notified Mercy Care Plan that reimbursement checks for Dr. Lucia Gregorino, an AHCCCS provider at Estrella had not been received. Those checks had been cashed at Southwestern Check Cashing. The checks had been modified to include Natasha Marr in the pay to the order of section, and were made in the amounts of \$1,303.42 and \$147.38. Marr admitted she wrote Natasha Marr in the pay to the order of section on the checks.

On October 20, 2009, Marr was indicted on one count money laundering, a class 3 felony, two counts of forgery, class 4 felonies, and one count of theft, a class 6 felony.

For further information contact Assistant Attorney General Steven J. Duplissis (602) 542-3881

### **Patient Trust Funds: District of Columbia**

The District of Columbia Medicaid Fraud Control Unit announced on June 24 that Loretta Clay, a former employee of Associated Community Services (ACS), a District of Columbia residential provider for persons with cognitive disabilities, was sentenced on criminal fraud charges.

Clay pleaded guilty to one count of first degree felony fraud and sentenced on June 22. Clay was sentenced to 12 months, suspended but for four months in prison, followed by two years of probation. During the probationary period, Clay may not work with any vulnerable persons, and must pay restitution of more than \$1,000. She was also ordered to pay \$100 towards the Victim of Violent Crime Compensation Act fund.

Clay was indicted by a grand jury on 26 counts of fraud and theft for her activities between December 2006 and December 2007. During that period, Clay took 21 checks from vulnerable adults who resided in homes operated by ACS, where she was the house manager. Clay was responsible for assisting the residents with their financial transactions, including helping them deposit their checks, earned at supported work programs in the community. She deposited the vulnerable adults' checks, including 16 from one person, into her own account, and spent the money at the Gap, Macy's, beauty salons, Ticketmaster and Victoria's Secret. The victims made taped or written statements telling the court how Clay's theft of their money made them feel. Although Clay has paid back all but \$1,045 of the more than \$9,500 she stole.

For further information contact Investigator Shante McGee, Auditor LaShawn Brooks, or Special Assistant U.S. Attorney Susan Bieber Kennedy, Director (202) 727-8008.

#### **Patient Trust Funds: South Carolina**

Attorney General McMaster announced on May 5 that Wandaretta F. Reed was convicted of one count of breach of trust with fraudulent intent, value \$1,000 or less. On or about June 4, 2009, Reed, while employed as a service coordinator by National Mentor, a provider for the Richland County Board of Disabilities and Special Needs, obtained funds owned by a client of National Mentor. Reed converted funds to her own personal use and purposes with the intent of permanently depriving the client of the use and benefit of the funds.

Reed was sentenced to 30 days, suspended, ordered to pay a fine of \$546.25 and restitution of \$700 to National Mentor.

For further information contact Assistant Deputy Attorney General Charles W. Gambrell, Jr., or Special Investigator David Addison (803) 734-3660.

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Attorney General McMaster announced on May 17 that Melissa Rice-Kelly was convicted of one count of breach of trust with fraudulent intent, value in excess of \$5,000 and 12 counts of exploitation of a vulnerable adult. During the period on or about April 1, 2006 until on or about August 31, 2008, Rice-Kelly, while employed as the business office manager at THI of South Carolina at Rock Hill, LLC d/b/a Magnolia Manor Nursing Home, unlawfully used the funds of vulnerable adults without authorization.

Rice-Kelly was sentenced on the breach of trust indictment to ten years, suspended to five years probation, 30 days of community service and restitution in the amount of \$8,065.02 and on the Exploitation Indictments to five years, suspended to five years probation to run concurrently with the

aforementioned probation and restitution in the amount of \$5,230. Additionally, Rice-Kelly was ordered to confess judgment in the amount of \$37,035.50.

For further information contact Assistant Deputy Attorney General Charles W. Gambrell, Jr., Senior Assistant Attorney General William K. Moore, or Chief Investigator James Bagnall (803) 734-3660.

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Attorney General McMaster announced on May 27 that James L. Gardner was convicted of one count of breach of trust with fraudulent intent and seven counts of exploitation of a vulnerable adult. During the period on or about January 1, 2009 until on or about September 30, 2009, Gardner, the facility administrator of Bradford Gardens, obtained funds which were the property of Bradford Gardens or property of residents of Bradford Gardens and unlawfully used the funds of the residents without authorization.

Gardner was sentenced to five years on each count, suspended with five years probation and ordered to pay restitution in the amount of \$44,991.27.

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Attorney General McMaster announced on June 15 that Richard L. Dube was convicted of five counts of exploitation of a vulnerable adult, and one count each of financial card transaction fraud and forgery. During the time period on or about November 5, 2007 until on or about January 6, 2009, while employed as a cook at Magnolia Assisted Living, Dube committed the offenses of exploitation of a vulnerable adult, financial card transaction fraud and forgery by obtaining funds which were the property of a vulnerable adult living at Magnolia Assisted Living. Dube unlawfully used these funds for his own use and purposes without the consent of the victim and forged a check on the victim's bank account to purchase a vehicle.

Dube was sentenced to ten years imprisonment and ordered to pay restitution in the amount of \$231,853.20 and court costs.

For further information on both cases contact Assistant Deputy Attorney General Charles W. Gambrell, Jr., Senior Assistant Attorney General William K. Moore, or Special Investigator David Addison (803) 734-3660.

### **Patient Trust Funds: Tennessee**

The Tennessee Bureau of Investigation announced on May 5 that Glenda Joyce Walker, a home health aide, pleaded guilty in court to one count of fraudulent use of a debit card and one count exploitation of an impaired adult. Walker was granted supervised diversion for a period of two years and voluntarily repaid the victim \$6,500 prior to sentencing. Additionally, Walker has been referred to the abuse registry maintained by the Tennessee Department of Health.

This case was opened on December 15, 2008 based upon a referral from the Tennessee Division of Intellectual Disabilities Services. It was alleged that Walker, a personal assistant employed by Maxim/Care Focus, fraudulently withdrew \$6,500 from the checking account of a TennCare recipient.

Walker allegedly stole the debit card from the purse of the victim's mother and made several large purchases. When confronted with the allegations, Walker confessed to obtaining the card and making the purchases. Walker agreed to deposit \$6,500 to the victim's checking account. On July 6, 2009, Walker was indicted on one count of fraudulent use of a debit card and one count of exploitation of an impaired adult.

For further information contact Special Agent Roger Turner (901) 379-3432.

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The Tennessee Bureau of Investigation announced on May 10 that Cynthia Gail West, a licensed practical nurse, pleaded guilty in court to one count of theft of property. West was granted judicial diversion and probation for a period of two years and ordered to pay restitution in the amount of \$5,175 to the victim. Additionally, West has been referred to the abuse registry maintained by the Tennessee Department of Health.

This case was opened on September 2, 2009 based upon information from the administrator of Douglas Nursing Home in Milan, Tennessee. It was alleged that West, an employee of Douglas Nursing Home, improperly received \$5,258.88 from a resident of the facility. The resident, who maintained large amounts of cash on her person, stated that West deposited \$5,150 in cash into West's personal bank account over several occasions beginning in January of 2007. It was further alleged that West was in possession of some jewelry and a Wal-Mart gift card belonging to the victim. West initially refuted the allegations, however after deception was indicated in a polygraph investigation, West confessed to taking \$4,650 in cash from the resident along with several other personal items.

On January 4, West was indicted on one count of theft of property over \$1,000 but less than \$10,000.

For further information contact Special Agent Doug Pate (731) 984-6644.

### **Patient Trust Funds: Texas**

Attorney General Abbott announced on April 29 that Alma Urbine Alejandro was charged with theft. Alejandro, while employed with Central Plains Mental Health and Retardation Center in Plainview, allegedly stole \$680 of a client's funds for her own use.

For further information contact Rick Copeland, Director or Chief Investigator Jim Fossum (512) 371-4700.

### **Physicians: Florida**

Attorney General McCollum announced on June 16 that a doctor surrendered to authorities on charges of drug trafficking and fraud. Dr. Yong Am Park surrendered on multiple felony charges after a joint investigation by the Medicaid Fraud Control Unit, the Florida Department of Law Enforcement, the Columbia County Sheriff's Office and the Lake City Police Department.

Law enforcement officers began investigating Park after tracing illegal drugs being sold in the community back to his medical clinic. Investigators conducted a series of undercover visits to Park's clinic and on each occasion received prescriptions for controlled substances such as oxycodone and hydrocodone, which were prescribed outside the course of professional practice. MFCU investigators also determined the Florida Medicaid program was ultimately paying for the illegal prescriptions Park was writing. Park had previously been arrested by the Columbia County Sheriff's Office on prescription forgery charges and the Department of Health had suspended his medical license.

Park is charged with two counts of trafficking in oxycodone, a first-degree felony; four counts of trafficking in hydrocodone, a first-degree felony; four counts of prescription fraud, a second-degree felony; three counts of Medicaid fraud, a third-degree felony; and three counts of organized scheme to defraud, a third-degree felony.

For further information contact David Lewis, Director (850) 414-3910, or Regional Chief Betty Zachem (850) 414-4237.

### **Physicians: South Carolina**

Attorney General McMaster announced on May 24 that Dr. Beverley Wilson was convicted of one count of computer crime, 1<sup>st</sup> degree. Dr. Wilson was a pediatrician. She billed for services for Medicaid recipients under Current Procedural Terminology Code 99215, signifying an examination of 40 minutes plus with complex medical decision-making and a comprehensive history on weekend dates of service from September 2005 to April 2008. It was verified that Dr. Wilson never saw the patients on the weekends. A computer was used in the course of the fraud and billings were entered into and checks were paid out of the South Carolina Medicaid Program.

Dr. Wilson was sentenced to five years suspended to five years probation and restitution in the amount of \$77,356.16 and court costs.

For further information contact Assistant Deputy Attorney General Charles W. Gambrell, Jr., Assistant Attorney General Sara McCartha and Special Investigator Thomas Holliday (803) 734-3660.

### **Physicians: Texas**

Attorney General Abbott announced on April 13 that Roland C. Vergel de Dios was indicted by a state grand jury for practicing medicine without a license with injury. Vergel De Dios allegedly impersonated a medical doctor for over a year and treated patients, admitted patients to a local hospital, and wrote prescriptions for narcotics while employed by a local doctor.

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Attorney General Abbott announced on May 12 that Dr. Ira Odell Murchison, MD, was indicted by a federal grand jury for receiving kickbacks that involved medical necessity for power wheel chairs. The case alleges that Dr. Murchison was paid kickbacks for certificates of medical necessity that resulted in the purchase of power wheelchairs.

For further information on both cases contact Rick Copeland, Director or Chief Investigator Jim Fossum (512) 371-4700.

**Podiatrists: Texas**

Attorney General Abbott announced on May 28 that Franklin Beltre, DPM, and Manuela K. Alana were sentenced in federal court. Beltre was sentenced to 36 months in federal prison, three years supervised probation, and was ordered to pay \$182,680.23 in restitution to Medicaid and \$508,439.70 to Medicare. Alana was sentenced to 24 months in federal prison and 24 months supervised probation. While Beltre worked and lived in one city, Alana, an unlicensed podiatrist, allegedly provided medical services to patients at Beltre's office in another city. Beltre billed Medicaid for services rendered by Alana.

For further information contact Rick Copeland, Director or Chief Investigator Jim Fossum (512) 371-4700.

**Resident Abuse: California**

Attorney General Brown Jr. announced on May 27 that Hang Hsin Yang, the administrator and abuse coordinator for the Herman Health Care Center, knowingly and willingly allowed physical, sexual, and emotional abuse to go unreported at the facility. On May 7, Yang had a court trial and was found guilty of count four of the complaint, violation of Welfare and Institutions, a misdemeanor. Yang was sentenced to one year probation on the condition that he perform 100 hours of community service and pay \$290 county fines and penalties.

For further information contact Special Agent Supervisor Danielle Morrow (925)520-6404.

**Resident Abuse: Florida**

Attorney General McCollum announced on May 21 that Max Auguste was arrested by law enforcement with the Miami-Dade Police Department on a warrant issued by the Medicaid Fraud Control Unit.

The arrest resulted from an investigation by the MFCU, acting on information received from the Department of Children and Families, Adult Protective Services. Investigators determined that while employed by MACTown, Inc., a group home for developmentally disabled adults, Auguste was observed punching and choking one of the residents. Auguste, who had to be pulled off the victim by other employees, was subsequently terminated.

Auguste is being held held at the county jail and will be charged with one count of battery on a disabled adult, a third-degree felony.

For further information contact David Lewis, Director (850) 414-3910, or Regional Chief Luis Martinez (305) 377-5441.

\* \* \* \*

Attorney General McCollum announced on June 30 that a Howard Earl McKinnie, formerly employed by the Sunland Center, was arrested by law enforcement officers with the Medicaid Fraud Control Unit with assistance from the Jackson County Sheriff's Office.

MFCU investigators received a complaint from the Florida Department of Children and Families Adult Protective Services that McKinnie struck a disabled male resident several times. The incident was reported by a witness and McKinnie was subsequently terminated from his employment at the center. McKinnie is charged with one count of abuse of a disabled adult, a third-degree felony.

For further information contact David Lewis, Director (850) 414-3910, or Regional Chief Betty Zachem (850) 414-4237.

### **Resident Abuse: Texas**

Attorney General Abbott announced on May 11 that Beverly Raspberry Stone was indicted by a state grand jury for injury to the elderly. Stone, owner of Stonecrest Senior Care, allegedly provided medical procedures on residents when she was not authorized to do so.

For further information contact Rick Copeland, Director or Chief Investigator Jim Fossum (512) 371-4700.

### **Resident Abuse: Virginia**

Attorney General Ken Cuccinelli announced on May 17 that James W. Wright was sentenced in the circuit court to 60 years active incarceration for committing aggravated sexual battery against four elderly residents at National HealthCare, a nursing home. The victims had all been diagnosed with dementia or Alzheimer's.

MFCU investigators uncovered multiple incidents of alleged sexual misconduct involving Wright and elderly National HealthCare residents. MFCU investigators substantiated the initial allegations, identified eyewitnesses to Wright's conduct, and obtained an admission of misconduct from Wright.

Wright was employed as a certified nursing assistant at NHC-Bristol from 1999 to 2007. On January 7, Wright entered an Alford plea to four counts of aggravated sexual battery. An Alford plea is a guilty plea that does not admit guilt but admits that the evidence is sufficient to prove one guilty beyond a reasonable doubt.

In addition to his incarceration, Wright was ordered to pay a \$10,000 fine for each of the four counts, he will be placed on probation upon release, and he will be required to register as a sex offender. The breakdown of the term of incarceration is 20 years with five years suspended on each of the four counts, totaling 80 years with 20 suspended.

For further information contact Randy Clouse, Director (804) 692-0171.

**Resident Abuse: Vermont**

Attorney General Sorrell announced on June 15 that in connection with an incident involving a 93 year old resident of Victorian House, a Level III residential care facility housed at Cedar Hill Continuing Care Community that Keri Greenwood was arraigned in district court on charges of obtaining a regulated drug by deceit, a felony, and abuse of a vulnerable adult, a misdemeanor.

The charges stem from Greenwood's employment as a resident assistant at Victorian House. According to papers filed in court, Greenwood is alleged to have removed fourteen Oxycodone pills, a narcotic painkiller, from a medication pack prescribed to a 93 year old resident for pain relief. Greenwood is alleged to have accomplished this by substituting the missing pills with a potentially dangerous antipsychotic drug, Risperdone, in place of the resident's Oxycodone. Her actions deprived the elderly resident of her painkiller and may have caused unnecessary suffering while also potentially putting the resident at grave risk by exposing her to a powerful antipsychotic drug which she was not prescribed.

Greenwood pleaded innocent to the charges and was released on standard conditions plus special conditions that she not provide direct patient care to vulnerable adults or work in a setting where she would have direct access to narcotics. The court also ordered her not to buy, possess, or use regulated drugs without a valid prescription.

For further information contact Assistant Attorney General Linda Purdy (802) 828-5332.

**Resident Neglect: District of Columbia**

The District of Columbia Medicaid Fraud Control unit announced on June 4 that Bryant McLean, a former employee of Ward & Ward, a residential provider for persons with mental retardation and developmental disabilities, was sentenced for criminal neglect of a vulnerable adult.

McLean was found guilty of criminal neglect of a vulnerable adult and sentenced on June 3. He was sentenced to 180 days in prison, with all but 45 days suspended and 18 months supervised probation. Additionally, the court specified a condition of probation that McLean could not work with any vulnerable persons. He was also ordered to pay \$100 towards the Victim of Violent Crime Compensation Act fund.

According to testimony at trial, on August 19, 2009, McLean was assigned to drive the vulnerable person from her day treatment program to her residence in northeast Washington, D.C. The victim was left in the van, parked in direct sun, with the doors locked and the windows rolled up. Temperatures were recorded at 98°. The victim was discovered approximately two hours later sweating profusely and dehydrated.

For further information contact Investigator Meghan Strickland or Special Assistant U.S. Attorney Jacqueline N. Schesol (202) 727-8008.

**Social Workers: Tennessee**

The Tennessee Bureau of Investigation announced on April 16 that Addie Guinn, a social worker, pleaded guilty in district court to one count of obstructing a criminal investigation of health care offenses. Guinn was sentenced to two years probation and fined \$100.

This case was opened on February 12, 2007 based upon information from the United States Attorney's Office Western District of Tennessee and United States Department of Health and Human Service's, Office of Inspector General. Guinn's employer, Guinn Consulting, entertained recipients with bingo games and fishing trips and then billed Medicare and TennCare for psychotherapy services. Guinn Consulting's owners, Dwight and Solomie Guinn, pleaded guilty to healthcare fraud on August 19, 2009. It was revealed that Addie Guinn submitted false statements to a federal investigator during the course of the investigation. Guinn misrepresented that she provided psychotherapy services in all instances where her provider number was used.

For further information contact Special Agent Terry Reed (901) 379-3433.

**UPDATES****Medical Transportation: Texas**

Attorney General Abbott announced on May 5 that Nasir Muhammed Usman was found guilty on all counts by a federal jury. Usman and co-defendants David Ray McNac and Shaun Jason Outen were indicted in June 2009 for health care fraud, conspiracy to commit health care fraud, aiding and abetting. The defendants were owners or managers of Royal Ambulance Service, Inc., and First Choice EMS in Dallas. (*See: Medicaid Fraud Report, May/June 2009 p. 10*). They allegedly transported patients to dialysis facilities when those patients' medical conditions did not warrant such transportation. The alleged Medicaid fraud is \$498,368, and the Medicare fraud is over \$4 million. Outen and McNac pleaded guilty during March and April.

\* \* \* \*

Attorney General Abbott announced on May 24 that Jesus J. Flores Jr., owner of St. Mary's Ambulance Service, was sentenced in federal court to two years in prison and three years supervised release. Flores was also ordered to pay \$658,258.15 in restitution. Flores pleaded guilty in July 2008 to conspiracy. (*See: Medicaid Fraud Report July/August 2008, p.6*). Saint Mary's Ambulance allegedly transported non-emergency patients to area dialysis centers. The company also allegedly provided incentives to patients for using the ambulance services. The overpayments are approximately \$86,600 by Medicaid and \$487,300 by Medicare.

For further information on both cases contact Rick Copeland, Director or Chief Investigator Jim Fossum (512) 371-4700.

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