

CORRESPONDENCE/MEMORANDUM

DEPARTMENT OF JUSTICE

Date: September 8, 2010

To: Members, Legislative Council Special Committee on Public Assistance Program Integrity

From: Thomas L. Storm
Director, Medicaid Fraud Control and Elder Abuse Unit

Subject: Significant cases from the past 10 years

Committee Members,

Please find attached three lists of significant cases for the MFCEAU over the past 10 years.

They are divided into three general subject areas:

- Abuse or patient fraud. These cases involve physical abuse or neglect of residents, patients, and vulnerable adults, or fraudulent crimes perpetrated on the same population.
- Provider fraud. These cases involve allegations of fraud against Wisconsin Medicaid by service, pharmaceutical or medical goods providers.
- Multi-state litigation and settlements. These cases involve fraudulent schemes by providers in multiple states prosecuted in conjunction with those states and the federal government.

If you have any questions or would like additional information, please do not hesitate to contact Cindy Polzin, Policy Advisor at the Department of Justice at 266-7563.

Thank you.

Abuse/Patient Funds

July 1999 – June 2000

State v. Kristina Adams. Adams was convicted of a class B misdemeanor for abuse to a resident of a nursing home. She received a fine of \$300 plus costs, for a total of \$453, to be paid at a rate of \$75/month. If Adams does not pay the fine she will receive 18 days in jail.

State v Jeanna Fretschel. Fretschel was originally charged with misdemeanor abuse, which was later reduced to a disorderly conduct municipal citation, which was paid. The victim is deceased and Fretschel is placed on the CNA registry so she cannot obtain employment in the health care field.

State v. Avnell Kayde. Kayde was convicted of Class E felony Abuse of Nursing Home Resident. Kayde received a 2-year stayed sentence with 2 years probation and 45 days in the county jail with work release. She is also prohibited from working in the health care field and is to have no contact with elderly or senior citizens in either work or volunteer capacity. Kayde is also required to complete 75 hours of community service.

State v. Shane Oettinger. Oettinger pled to criminal charge of Abuse of Resident. He was sentenced to 40 days in jail with a fine of \$700 plus court costs.

State v. Bernadette Wentland. Wentland was charged with intentionally inflicting pain on a resident by hitting her in the mouth and face. The State agreed to a plea of NGL.

State v. Demetrius Mack. Mack pled guilty to one count of misappropriation of personal identifying information and one count of theft by fraud. Mack obtained social security numbers, dates of birth and other forms of personal identification from residents of the nursing home where he was employed. He then used this information to obtain telephone services from Ameritech and cable television services from Time Warner Cable. Mack was sentenced to one year in the county jail, stayed, and two years probation. He served 60 days in jail as a condition of probation. Mack must also pay \$3,131.55 in restitution and perform 100 hours of community service.

July 2000 – June 2001

State v. Tammy Talieferro. Talieferro, a CNA, was convicted of one count of abusing a resident of the nursing home where she was employed. Talieferro had struck the resident in the face. She received a stayed sentence of 18 months and was placed on 3 years probation. Talieferro served 60 days in jail as a condition of probation.

State v. Cynthia Hazelton. Hazelton was a shift supervisor at a community based

residential facility. Another employee at the home observed Hazelton accost a female resident. According to the witness, Hazelton dragged the resident down the stairs, dragged her into her room, sat on her, and repeatedly and somewhat forcefully tapped the resident's mouth with her hand. Hazelton was charged with one count of misdemeanor abuse of a resident. Hazelton entered a plea of no contest and was sentenced to a year of probation and 40 hours of community service.

State v. Shana Starks. While working as a home health aide, Starks obtained a credit card belonging to a client. Starks then used the credit card to obtain goods and services from local retailers. Starks pled no contest to three felony counts of misappropriation of personal identifying information or personal identification. She was sentenced to 18 months in jail and 3 years probation plus court costs.

State v. Shawn Bullis Bullis intentionally struck a nursing home resident while working as a certified nursing assistant. An LPN reportedly witnessed Bullis slap the resident on the mouth twice. Bullis confessed to slapping the resident and was terminated from employment. Bullis pled no contest to a single misdemeanor count of abusing a resident. Bullis received a suspended sentence of 30 days in jail and one year of probation. As a condition of probation, Bullis must pay a \$300 fine plus court costs and perform 80 hours of community service.

State v. Ronald Hankins Hankins negligently abused a severely impaired nonverbal resident by placing him in a wheelchair unequipped with a footrest and transporting him for six blocks allowing his foot to drag on the ground causing an injury to his right great toe which required a partial amputation to avoid the spread of infection. The Judge stayed a 6-month sentence and placed Hankins on 15 months probation. As a condition of probation, Hankins must spend 30 days in jail, complete an AODA as needed with random urine screens and refrain from engaging in any type of work in the health care field.

State v. Nicole Pierce While employed as a certified nursing assistant for a home health care agency, Pierce misappropriated Neurontin tablets which had been prescribed for a client suffering from Spina Bifida. Pierce pleaded guilty to one misdemeanor count of Unlawful Possession of a Prescription Drug and was sentenced to 18 months probation.

July 2001 – June 2002

State v. Robert Bashaw Bashaw, while employed as a Resident Assistant at a community-based residential facility, took Hydrocodone prescribed for a resident he was caring for. Bashaw then falsified the medication logs to reflect that he had given the patient the medication. Bashaw pled guilty to 1 felony count of Obtaining Controlled Substance by Fraud and was sentenced to 6 years probation with conditions including drug and alcohol assessment and treatment.

State v. Louevina Davies Davies had been hired to attend to the victim's personal business needs while he was hospitalized. Davies was to pack the victim's personal belongings and

arrange to place them in storage until his release from the hospital. The victim discovered Davies had written checks on his account payable to various utilities in Davies' name and numerous checks to cash. The victim also discovered 23 of his pension checks had been re-routed to a post office box in Milwaukee and had been cashed by Davies. Davies pled guilty to 3 Misdemeanor counts of theft by bailee. She was placed on probation for 18 months on each count, concurrent, ordered to pay \$7,000 in restitution, have no contact with the victim, return the victim's other property items and not handle the finances of any other persons for the duration of the probation period.

State v. Vicki Dehmlow Dehmlow failed to follow a patient's care plan, which resulted in the patient falling and sustaining an injury. The care plan required that the patient's bed be lowered to its lowest possible setting and a mattress be placed alongside the bed on the floor when the patient was unattended. A nurse found the patient sprawled on the floor after an apparent fall from his bed and suffering from an injury to his wrist. The nurse also observed that the patient's bed was in the fully extended "high" position and that there was no mattress on the floor as dictated by the resident's care plan. Dehmlow pled no contest to a single misdemeanor count of negligent abuse of a resident and was fined \$500.

State v. Janet Hayes A coworker of Hayes' heard a loud bang and found a 90 year-old patient lying on the hallway floor with her walker tipped over. The coworker told Hayes she thought the patient's leg was broken and asked Hayes to call 911. Hayes refused to call 911 and instead tried to lift the patient up off the floor. Although the patient was crying and calling out in pain to be left alone, Hayes moved the patient into a wheelchair and then onto the patient's bed. The resident died 11 days later due in part to consequences from a fractured femur. Hayes pled no contest to one misdemeanor count of Neglect of a Resident and one misdemeanor count of Disorderly Conduct and was sentenced to 18 months of probation. As a condition of probation, Hayes is prohibited from working in any healthcare facility or childcare facility. She must also participate in and complete an anger management program.

State v. Ryan Koenig While employed as a Certified Nursing Assistant, Koenig masturbated a developmentally disabled patient who was in his care and allowed the patient to masturbate him. Koenig pled guilty to one felony count of sexual assault of a patient. He was sentenced to 5 years probation with the condition he not work in a position of providing personal service to institutionalized persons; adults, children or elderly. He must also participate in sex offender treatment until the probation agent and the counselor determine it is no longer necessary.

State v. Shannon Miller Miller made 2 withdrawals from a resident's bank account totaling \$600 and fraudulently documented the transaction as reimbursement to the Social Security Administration for an over-payment. Miller also made withdrawals from 4 other residents' accounts totaling \$160. Miller pled guilty to 4 counts of Theft by Bailee and was sentenced to 45 days in jail on each count, stayed and placed on 2 years probation. She was also ordered to pay \$3,225.35 in restitution and is barred from working in any long-term care facility for 2 years.

State v. Rockell Pfeifer While employed as a CNA, Pfeifer grabbed an elderly, disabled patient by the underwear and forcibly pulled them up to the middle of his back. She then threw the patient's chair out of the way and repeatedly shoved the patient out of the dining hall in the direction of his room. Later that same day, Pfeifer shouted at another elderly patient before raising her hand above her head as if to prepare to strike the patient. Rather than hitting her, Pfeifer then allegedly slammed her hand straight down on the table with great force. Pfeifer entered an Alford plea and was found guilty of 1 misdemeanor count of Intentionally Abusing Patient and was ordered to pay a fine of \$700.

State v. Shire Presswood While employed as a CNA, Presswood punched a resident in the chest and arm in retaliation for the resident striking her on the head with a call light. Presswood pled guilty to 1 misdemeanor count of Abuse of Resident and was ordered to pay a \$700 fine.

State v. Sandra Smith While working as a CNA Smith prepared a bath for a patient, filling the whirlpool tub with approximately two feet of water. Smith then left the patient unattended in the bath while she performed housekeeping duties in an adjacent room. When Smith returned to check on the patient, she found the patient with her face submerged in the water, and again left the patient and proceeded to attend to the needs of other residents. When Smith next returned to the whirlpool, she observed the patient was still facedown in the water. At that point, Smith realized the patient had no pulse and was not breathing. Paramedics were called to the facility but were unable to resuscitate the patient. A post-mortem examination concluded that drowning was the cause of death. Smith entered a no contest plea to one felony count of Negligent Abuse of a Resident and was sentenced to 9 months in jail. After the first 3 months of her sentence she will be allowed to serve the remainder of her term on an electronic monitoring bracelet.

State v. Sharon St. John St John was employed by the Visiting Nurse Association, an in-patient facility. St John pled guilty to one felony charge of intentional abuse of a resident for grabbing a patient by the arms and throwing her to the ground. St. John was sentenced to 6 months in jail.

State v. Matthew Steves Steves pled guilty to one misdemeanor count of abuse of a resident and entered into a deferred prosecution agreement. The agreement requires that for a period of 2 years, Steves not commit any crimes, not work in any personal care field and have no contact with the facility witness. Steves was working as a Community Living Specialist in an Adult Family Home when the incident occurred. While loading a wheelchair-bound resident into a van, Steves became frustrated and slapped the resident in the head.

State v. Patrick Wollenhaup While employed as an assistant housekeeper by an in-patient health care facility, Wollenhaup struck a patient in the back of the head causing her head to violently swing forward. The patient is confined to a wheelchair and is

profoundly mentally retarded. Wollenhaup pled guilty to 1 misdemeanor count of Abusing a Patient and was ordered to pay a \$700 fine.

State v. Angela Day Day was employed as a nurse's aide at a nursing home facility and had access to the medication cabinet. The Director of the facility noticed that two residents appeared to be getting an excessive amount of Darvocet-N, which had been prescribed by a physician. Upon review of the patients' charts it was discovered that 20 Darvocet-N were unaccounted for. Day pled guilty to one count of possession of a controlled substance without a prescription. She was placed on 12 months probation with conditions including she not work in any patient-care industry and she continue the drug treatment she had already started.

State v. Susan Miller Miller was employed as a nursing assistant through a temporary employment agency. Among the duties assigned to Miller was the personal care of an elderly female resident whose left leg had been amputated and who suffered from Alzheimer's disease. While Miller was alone with the resident a coworker heard a scream from the resident's room and entered the room she found Miller holding the resident's left arm. The resident's arm was red and bleeding in several places. Miller pled no contest to one misdemeanor count of patient abuse and was sentenced to 40 hours of community service and fined \$100.

State v. Benchmark Healthcare of Wisconsin Benchmark, as the parent company of the Jackson Center, pled guilty to 6 counts of intentional abuse of patient, 4 counts of intentional neglect of resident and 1 count of second degree sexual assault. Charges against the facility showed a pattern of abuse and neglect of residents. On one occasion, a worker assigned to provide direct supervision to a resident fell asleep at her workstation, allowing the patient to wander out of the facility. The patient was found later with injuries from an unknown origin. Another worker neglected to watch a resident and the resident fell out of a third floor window sustaining severe injuries. In one of the charged incidents, caregivers were observed dragging a naked patient down a hallway. Another resident was routinely beaten or threatened with a coat hanger as a manner of discipline. Benchmark was fined \$101,000 and is excluded by OIG from participation in the Medicaid program. The facility was placed in receivership status, and residents were relocated before the facility was shut down.

State v. Michael Neely Neely was employed as a CNA in a CBRF and was responsible for the care of an 83-year-old patient who suffered from dementia, heart disease, cancer, back problems and persistent incontinence. A coworker observed Neely shake his closed fist in the face of the patient and threaten to beat the patient if he could not control his bowels. Neely pled guilty to one misdemeanor count of intentional abuse of a patient and was sentenced to 10 days in jail.

State v. Charles Dunn While employed at a community-based residential facility, Dunn failed to report an injury suffered by a 34-year-old mentally retarded woman in his care. The woman suffered a fractured optical orbit and possible permanent injury to her eye. Dunn admitted that he pushed the woman to the ground but he decided not to report the injury or seek medical care for the woman because he was afraid the police would become involved. Dunn pled guilty to one felony count of patient neglect and was sentenced to 4 years in prison to be served as 2 years incarceration and 2 years extended supervision.

State v. Homes for Independent Living (HIL) HIL operates community-based residential facilities that provide care and service to individuals with severe disabilities. A CNA (Sandra Smith) working at one of the facilities neglected a resident in her care by twice placing the resident in a bath and leaving her unattended. The resident was described as profoundly mentally retarded and also deaf, blind and unable to communicate. This resident drowned as a result of being left unattended the second time. HIL agreed to a deferred prosecution agreement that requires the corporation to pay \$20,000 in penalties and to hire a Quality Assurance Director to monitor adherence to patient care and safety plans and to provide comprehensive training to the staff. HIL is also required to maintain accurate health care logs, documenting significant cares and activities of all patients. Caregiver Sandra Smith was charged, convicted and imprisoned in early 2002. (See last year's report for details.)

State v. Mary Beth Mlodzik Mlodzik worked as a business office manager for a skilled nursing facility. Upon resigning her position, Mlodzik made a voluntary statement to local law enforcement admitting that over the previous 3 or 4 years she had embezzled money belonging to the facility and to at least 2 different residents. Mlodzik used the stolen funds to cover expenses incurred by her gambling habit. Mlodzik pled guilty to 3 misdemeanor counts of theft and was sentenced to 2 years probation and continued treatment for her gambling addiction. She had already paid back \$14,139.81 in restitution at the time of sentencing by liquidating her family's retirement accounts.

State v. Marilyn Howder While employed as a CNA, Howder obtained the social security number and date of birth of a client. She then used that information to obtain telephone service at her own residence. Howder pled guilty to one felony count of misappropriation of personal identifying information and was sentenced to a 3-year prison term, stayed, and was placed on probation for 18 months. As a condition of probation, Howder is prohibited from working in the health or personal care industry and she must pay \$825 in restitution to the telephone company.

State v. Rudy Jackson While employed at an Alzheimer's facility, Jackson failed to report an injury suffered by a 90-year-old patient under his care. The patient was taken to the hospital the following day and was treated for a broken arm and fractured rib. Jackson pled guilty to one felony count of patient neglect and was sentenced to 4 years in prison to be served as 2 years incarceration and 2 years extended supervision.

State v. Stephanie Evans Evans was employed as a member of the Community Support Staff at an adult family home where she was responsible for the care of four developmentally disabled residents with seizure disorders and several developmental disabilities. While on duty, Evans drove the four residents to a movie theater, parked the vehicle, turned off the engine and locked the vehicle, leaving the residents unattended in the unheated van when the outside temperature was 26 degrees. One of the residents was able to let himself out of the van and tell the theater manager that another of the residents appeared to have suffered a seizure and was unconscious in the van. Evans was contacted by authorities coming out of the theatre when the movie ended. Evans pled guilty to one felony count of neglect of a resident and was sentenced to 60 days in jail.

State v. Thomas Stariha Stariha's position as a Restorative Aide required him to engage residents in certain physical movements or exercises designed to improve or maintain muscle tone and function. In April 2002, Stariha was scheduled to work with a female resident who was diagnosed as profoundly mentally retarded and paraplegic. A coworker witnessed Stariha fondling the resident's breasts. Stariha pled guilty to one count each of fourth degree sexual assault, abuse of patient and disorderly conduct, establishing criminal repeater status under Wisconsin law. He was sentenced to 12 months probation. Stariha is in his 60's and had no previous criminal record.

State v. Rosalind Robinson Robinson was employed as a Resident Assistant at The Gardens of Bayside, a licensed inpatient care facility. The victim was an 87-year-old Alzheimer's patient who was sometimes resistant to assistance. The victim became agitated and struck Robinson. Instead of following established care protocols, Robinson began swearing at the victim, threatening to harm him and threw a basket and flower pot at him. Robinson pled guilty to one felony count of abuse of resident and was sentenced to 12 months probation.

State v. Michael Sutton Sutton was visiting another resident of the Kilbourn Care Center in Milwaukee. During the visit, Sutton pulled the privacy curtain around the victim's bed and sexually assaulted her. The victim is a 72-year-old mentally ill woman who is primarily non-verbal and has been diagnosed with depressive disorder, dementia and delusional behaviors. Sutton admitted that he had sexual contact with the victim on this date as well as numerous other occasions. Sutton entered a guilty plea to one felony count of third degree sexual assault and was sentenced to 1 year in jail.

State v. Sue Wells In August 2002, Wells was employed as a caregiver at Heavenly Care Remember me Group Home, Inc., a CBRF. While in Wells' care, a profoundly developmentally disabled resident suffered severe and painful burns to both feet. Wells initially said the resident had stepped into bath water that was too hot. Wells failed to seek medical attention for the resident, and simply put the victim to bed. When a burn specialist was able to examine the victim, he determined the burns were not consistent with a person standing in a tub of hot water but were more likely caused by scalding hot liquid being splashed on the tops of the feet. On January 21, 2003, Wells pled no contest to one Felony count of Neglect of a Resident. On March 17, 2003, she was sentenced to 3 years imprisonment with 1 year of confinement and 2 years extended supervision.

State v. Heavenly Care Remember Me Group Home A resident of the home suffered severe burns to both feet from an unknown source and corporate employees failed to seek medical care for her. The corporation was charged with failing to provide adequate food, shelter, clothing, medical and/or dental care to the resident creating a significant danger to the physical or mental health of the resident. The corporation entered a no contest plea to one felony count of neglect of a resident and was sentenced to the maximum \$10,000 fine.

State v. Dewanna Farrow Farrow was employed as a CNA in a licensed skilled nursing residential facility working the overnight shift. One of the residents in Farrow's care was an elderly resident who was suffering from the effects of a stroke, diabetes and bedsores. Part of the resident's care plan required that she be turned every 2 hours, day and night. On this date, the dayshift arrived to find the resident in the same position as the previous night with her clothing and bedding soaked in sweat and urine. The resident's right side was covered with over 30 blisters. Farrow plead no contest to one misdemeanor count of negligent abuse of a resident and was sentenced to 18 months probation.

State v. Lisa Ann Hye Hye was employed as a Resident Assistant at a CBRF in Madison, Wisconsin. An RN at the facility noticed one of the residents' blister-packs of medication had been tampered with; that the Oxycodone had been removed and replaced with Tylenol tablets. In a drug test of all the facility employees, Hye was the only employee to test positive for opiates. Hye pled guilty to one count of possession of narcotic drugs. A second count of obtaining a controlled substance by fraud was dismissed and read-in to the record for sentencing purposes. Hye was placed on 2 years probation. As a condition of probation she must continue with counseling and be evaluated for AODA treatment.

State v. Antoinette Curtis While an employee of the Lutheran Home, a licensed skilled care facility, Curtis took the credit card of an 88-year-old resident of the facility and used it to purchase a number of items for herself. Curtis entered a no contest plea to one felony count of forgery and was sentenced to 9 months in jail, imposed and stayed. She was placed on probation for 3 years and must pay restitution and is prohibited from working in any healthcare-related field.

State v. LaShun Levingston While employed by Regional Medical Staffing, a temporary employment service, Levingston was sent to work at St. Anne's Home for the Elderly in Milwaukee. At the time of the incident Levingston was responsible for the care of an 89-year-old patient who requires assistance with activities of daily living including transfers from her bed to the commode. Levingston grabbed the resident by both arms and shoved her down on the commode causing an abrasion to one arm and bruises to both arms. Levingston was initially charged with Negligent Abuse of a Resident but agreed to plead to a single count of Disorderly Conduct. Levingston was ordered to pay a \$1,000 fine and complete 60 hours of community service.

State v. Deonca Hill Hill was employed as a CNA at the Jackson Center, an intermediate care facility for the mentally retarded. A co-worker witnessed Hill approach

a resident and order him to drink from a cup containing Tabasco-like hot sauce, which the resident did. Hill then followed the resident as he retreated to the lobby area of the facility and threw a cup of ice water in the resident's face. Hill pled no contest to one felony count of Intentional Abuse of a Resident and was sentenced to 14 days in jail.

State v. Tamika Lewis Lewis was employed by Transitional Living, a licensed Community-based Residential Facility. Lewis took the birth date and social security number of a resident of the facility without the resident's knowledge or consent and used that information to obtain an account for telephone service. Lewis pled guilty to one felony count of Identity Theft and one felony count of Theft of Communications Services and was sentenced to 144 days in jail and 4 years probation. She must make restitution to SBC in the amount of \$3,141.27 and to Sprint in the amount of \$2,399.31.

State v. Donna Hoskins Hoskins was employed as a Personal Care Worker at Aurora Residential Alternatives, an adult family home. She was responsible for the care of two residents who are paralyzed and suffer from traumatic brain disorder and seizure disorders. An investigation showed Hoskins failed to provide the required tube feedings to both residents resulting in a marked weight loss in one of the residents. Hoskins had falsified the patients' records to make it appear that she had given them the required number of cans of nutritional supplement. Hoskins pled guilty to two misdemeanor counts of Neglect of a Resident and one misdemeanor count of Intentional Falsification of a Patient Health Care Record. She was placed on 2 years probation with the condition she not work in the health care profession. Hoskins must also perform 40 hours of community service.

July 2003 – June 2004

State v. Gladys Brown-Stokes Brown-Stokes was employed as a CNA at Hearthside Rehabilitation Center through Temp Plus, an employment agency. Brown-Stokes was caring for a resident whose care plan required that two people do any transfers. Brown-Stokes attempted to transfer the resident from a wheelchair into a shower chair without assistance. The resident was dropped on her knees onto the shower floor and suffered a fractured femur. Brown-Stokes was convicted after a court trial on a misdemeanor count of Negligent Abuse of Resident and was fined \$350.

State v. Ellen Laluzerne While employed as an RN at St Vincent's Hospital in Green Bay, Wisconsin, Laluzerne diverted at least 70 doses of narcotics including Morphine, Oxycodone, Vicodin, Demeral and Valium, for her personal use. Laluzerne pled guilty to one felony count of Possession of a Controlled Substance and was sentenced to 3 years in prison, imposed and stayed and placed on probation for 3 years.

State v. James Blakely Blakely was employed as a resident assistant at Harmony of Madison, a CBRF. While working the overnight shift, Blakely used the telephone of a resident to place calls to a psychic hot line incurring charges of \$74.85. Blakely pled

guilty to one misdemeanor count of Intentional Abuse of a Resident and was sentenced to make restitution to the telephone company and pay a \$300 fine.

State v. Dartha Stokes Stokes was employed as a Nurse Aid when she took a diamond ring from a nursing home resident she was caring for under the pretext of cleaning it for the resident, and then kept it. Stokes pled no contest to one misdemeanor count of Theft and was sentenced to 7 months in the House of Corrections and must pay \$500 restitution to the facility and \$1,000 to the victim's family.

State v. Dartha Stokes After appearing in court on the theft charge noted above, Stokes was released on a bond which prohibited her from working in a health care facility. Despite the ban, she did work in several health care facilities thereafter, at each of which she failed to disclose the pending case. Stokes pled guilty to one count of felony Bail Jumping and was sentenced to 54 months incarceration with 18 months of confinement and 36 months of extended supervision. This sentence is to be served consecutive to the theft conviction reported above.

State v. Carmen Anderson Anderson was employed as a Mental Health Worker at a group home. Anderson, along with a coworker, took six residents of the facility to see a movie. Both Anderson and the coworker failed to take a head count upon leaving the theatre and returned to the group home leaving one resident behind at the theatre. When Anderson completed her shift and hour and a half later she documented that all six residents were in the facility. Later that night the local police contacted the home to say they had been called to the theatre and picked up the resident who had been wandering in the parking lot for 3 hours. Anderson pled guilty to one count of neglect of a resident and was ordered to pay a fine in the amount of \$250.

State v. Rayshon Jackson Jackson was employed as a Mental Health Worker at a group home. Jackson, along with a coworker, took six residents of the facility to see a movie. Both Jackson and the coworker failed to take a head count upon leaving the theatre and returned to the group home leaving one resident behind at the theatre. Later that night the local police contacted the home to say they had been called to the theatre and picked up the resident who had been wandering in the parking lot for 3 hours. Jackson pled no contest to one count of neglect of a resident and was ordered to pay a fine in the amount of \$300.

State v. Linda Hayes Hayes was employed as a CNA at a nursing home. Hayes was responsible for the care of a resident who had been prescribed cough medicine with codeine. The facility was at that time conducting an investigation into the disappearance of many patient medications, including an inquiry to find out why this resident's supply of cough medicine did not decrease in quantity despite charted notes that showed she was getting her prescribed dosage every day. During the inquiry Hayes acknowledged taking the cough medicine for her personal use. Hayes pled guilty to Possession of Drug Paraphernalia and Theft and was sentenced to 1-year probation.

State v. Jean Lessmiller Lessmiller was employed as a Caregiver working the overnight shift at a nursing home. The facility had a bed-check log that required the overnight shift workers to check on all the residents every two hours and to place a check mark next to each resident's name in the log indicating the bed check had been done. On the morning of July 5, 2002, a 92-year-old resident was found deceased in his room from apparent heart failure. The coroner determined the time of death to be between midnight and 2 a.m. during a shift Lessmiller was working. The bed-check log for this period of time was falsely completed to show that the resident had been checked every 2 hours all night long. Lessmiller pled guilty to one count of Negligent Abuse of a Patient and two counts of Falsifying Medical Records. The court withheld sentence and placed Lessmiller on 12 months probation. As a condition of probation, Lessmiller must complete any treatment programs recommended by her probation agent and she must write letters of apology to both the facility and the victim's family.

State v. Marcia Hasenfus Hasenfus was employed as a CNA and assigned to care for a 96-year-old resident. While in her care, the resident sustained an injury to her left shoulder. Hasenfus did not report the injury and when asked about it, denied any knowledge of how or when the injury occurred. An x-ray revealed the resident had suffered a fracture of the clavicle and of the left scapular spine. Hasenfus later admitted she had not followed safety procedures while cleaning the resident and the resident slipped off her bed and fell to the floor. Hasenfus pled guilty to one misdemeanor count of Neglect of Resident and was sentenced to 18 months probation and a \$300 fine. Hasenfus must complete 40 hours of community service while on probation.

State v. Sharon Dawson Dawson worked at Lakewood as an LPN and was called to assist with a patient, described as a "brittle diabetic" whose blood sugar level was measured at 52, a dangerously low level. Rather than follow the established medical protocol by immediately administering a shot of Glucagon and calling the patient's doctor, Dawson was observed shoveling spoonfuls of gelatin into the patient's mouth. When the patient was unable to swallow due to a well-documented swallowing disorder, Dawson was then observed pinching the patient's nose closed. The patient immediately began to "gurgle", choke, and ultimately lose consciousness. Dawson at that time refused to summon assistance, however, a nearby nursing assistant, against Dawson's orders, placed an emergency call to the nursing staff for help. Subsequent attempts to revive the patient, however, were unsuccessful. Dawson pled guilty to one count of felony intentional neglect of a patient and was sentenced to 13 months imprisonment and 35 months of extended supervision.

State v. Roselyn Hewuse Hewuse was employed as a caregiver working the overnight shift. The facility had a bed-check log that required the overnight shift workers to check on all the residents every two hours and to place a check mark next to each resident's name in the log indicating the bed check had been done. On July 5, 2002, a 92-year old resident was found deceased in his room. The coroner approximated that the resident had died between 11:50 p.m. and 2 a.m. which was during Hewuse's shift. The bed-check log for this period of time was falsely completed to show that the resident had been checked every two hours all night long. Hewuse pled no contest to one count of Neglect of a Resident and two counts of Falsifying Medical Records. Counts of Intentional Neglect

and Fraudulent Writing were dismissed and read in for sentencing. The court withheld sentence and placed Hewuse on 36 months probation. As a condition of probation, Hewuse must complete 100 hours of community service and may not work in any care facility licensed by DHFS or provide personal cares for anyone other than family members.

State v. Paul Boyd In December 2002, Boyd was working as a Certified Nursing Assistant. The facility Administrator learned that narcotics had been reported missing from a medication cart that was left unlocked and unattended. In videotape reviewed from the security camera, Boyd was seen approaching the unattended cart, leaning over, opening the drawer and removing medications. An inventory of the cart revealed that numerous Oxycodone tablets were unaccounted for. Boyd pled guilty to one felony count of Possession of a Controlled Substance and was sentenced to 42 months in prison; 30 months incarceration and 12 months extended supervision, withheld and was placed on 4 years probation. As a condition of probation, Boyd must complete 200 hours of community service and complete drug and alcohol treatment. Boyd is prohibited from working in the healthcare profession and prohibited from consuming or possessing any controlled substance without a prescription.

June 2004 – July 2005

State v. John L. Young Young entered an assisted living center without permission and sexually assaulted an 84-year-old resident, choked her and threatened to kill her. A female employee then found him wandering the hallway. Young pushed the employee to the floor and attempted to sexually assault her. He was scared off when she attempted to use her cell phone to call for help. He stole her checkbook before fleeing the building. Young pled guilty to one felony count of burglary, two felony counts of second degree sexual assault, one felony count of battery, one felony count of attempted second degree sexual assault and one felony count of robbery. Young was convicted and sentenced to 85 years imprisonment with 41 years incarceration and 44 years extended supervision.

State v. Johnny Mitchell Johnny Mitchell was employed as a CNA. One of the residents of the home was observed by other employees to have suffered bruising on his neck and swelling above his right eye. The victim communicated that Mitchell has caused the injuries. Mitchell pled no contest to one misdemeanor count of abuse of a resident of a CBRF and was sentenced to 1 year probation. As a condition of probation, Mitchell must complete 100 hours of community service, pay \$250 in fines and forfeit his CNA license.

State v. Eun Jung Anderton Eun Jung Anderton was employed as a caregiver at a CBRF. She was assigned to care for a woman who has been diagnosed with cerebral palsy and is cognitively and developmentally disabled. A coworker entered the victim's room to find Anderton has bunched a nightgown into the victim's mouth. Anderton pled guilty to one misdemeanor count of abuse of a vulnerable adult and received a suspended sentence and was ordered to serve 18 months probation. As a condition of probation, Anderton will serve 30 days in jail and complete 100 hours of community service.

State v. Stephanie Lambert Lambert was employed as an Administrator at Encore Senior Living, a CBRF. Lambert concealed the fact that the victim had developed an ulcer on her coccyx. Lambert failed to report the ulcer to the registered nurse on staff and threatened any staff member who attempted to discuss the victim with the medical staff. The victim passed away due to an infection from the ulcer. Lambert was found guilty after pleading to 1 count felony neglect and 2 counts misdemeanor fraudulent insurance claims. She received a stayed sentence of 10 years imprisonment and 10 years extended supervision. Lambert will serve 12 years probation, as a condition, she will spend 1 year in jail.

State v. Robert Van Loo While employed by and living at a CBRF owned by his wife, Van Loo engaged in sexual intercourse with one of the developmentally disabled residents. Van Loo pled no contest to one count of felony second degree sexual assault and was sentenced to 3 years probation. As a condition of probation, Van Loo will serve 6 months in jail, will have no contact with the victim or the victim's family and will refrain from involvement of any kind with any individual who has developmental disabilities.

State v. Thomas Wittig Wittig pled guilty to one count of felony abuse of a resident for striking a female resident causing swelling and bruising around her eye. Wittig was sentenced to 10 months in jail plus costs. Failure to pay costs will result in an additional 75 days in jail. Wittig forfeited \$1,500 bail by failing to appear at the initial sentencing date.

State v. Marjory Jorgenson Jorgenson was a bookkeeper at Oregon Manor. An audit of bank records revealed the between 1998 and 2003, funds that had been taken directly from the facility accounts, patient accounts and even directly from residents, were deposited into Jorgenson's personal bank account. Also revealed was that the Last Will and Testament of a resident had been notarized by Jorgenson even though Jorgenson's husband was named as a beneficiary and even though Jorgenson was not a notary at the time. Two of the witness signatures on the document had also been forged by Jorgenson. She pled guilty to 4 felony counts of Embezzlement and 1 felony count of forgery and was sentenced to 4 years in prison and 5 years probation. As a condition of probation, Jorgenson must make restitution in the amount of \$452,001.00.

State v. Pamela Moses Moses was employed as a community support coordinator at Dupont House, a CBRF. As part of her responsibilities, Moses handled financial transactions for the residents, including signing checks on their behalf. An audit done after Moses left employment at Dupont House found 7 resident checks made out to cash and signed by Moses. Moses admitted to having cashed the checks and using the money for her own use. Moses pled guilty to 3 misdemeanor counts of theft and was sentenced to 2 years probation and ordered to make restitution of \$1,1000.

State v. Angelo Dallas Dallas befriended the victim, a frail, elderly woman, after she had requested information about a church program. The victim came to rely on Dallas for

companionship, meeting some of her healthcare needs and eventually handling her finances. It was discovered Dallas had used a durable power of attorney to draw funds from the victim's bank account to pay for goods and services for himself. Dallas also wrote checks to himself from the victim's accounts totaling \$20,000 and he purchased rental property for \$80,000 and regularly collected rents from tenants. Dallas pleaded guilty to one count of theft by fiduciary and one misdemeanor count of practicing law without a license. He received a withheld sentence and 3 years probation for count one and 8 months in jail for count two.

July 2005 – June 2006

State v. Thubten Dargyel Dargyel was employed as a caregiver at Central Wisconsin Center, a care facility for people with developmental disabilities. The victim has been a resident of the facility since she was 18 months old as she was born with a micro-cephalic brain. On July 31, 2003, the victim had an unusually heavy discharge of what was believed to be menses. She was transported to the hospital and after an examination was determined to have suffered a miscarriage. As part of the sexual assault investigation, DNA samples were collected from all males who may have had access to the resident during the conceptive period. The DNA test results revealed the presence of Dargyel's genetic materials in the conceptive product. Dargyel pleaded guilty to one count of felony first degree sexual assault and was sentenced to 17 years, 7 years incarceration and 10 years extended supervision.

State v. Haley Einerson Einerson was employed by Continental Manor Nursing Home and between December 2004 and January 2005, was assigned to the assisted living section of the facility where she had access to a locked medication cart. The facility began an investigation when other employees noticed supplies of Vicodin were being depleted faster than expected. The investigation determined the drugs were missing on days when Einerson was the only person working in the assisted living section. Einerson admitted she had taken approximately 30 pills of Vicodin from three patients. Einerson pleaded guilty to one misdemeanor count of Theft and was sentenced to 18 months probation.

State v. Marino Delray Delray was employed as a CNA at Mt Carmel Medical. The victim resident discovered an account, which she had not opened, with Sprint for a cell phone had been set up in her name. An investigation determined that Delray had used the victim resident's name and identifying information to set up the account for herself. Delray pleaded guilty to one felony count of identity theft and was sentenced to 30 months probation. Delray must pay \$850 in restitution to Sprint Services and is prohibited from working in any health care facility or home health care business.

State v Gene Lafoe Lafoe was employed as a personal care worker and was assigned to the overnight shift of a group home. Lafoe was to care for a resident diagnosed with severe mental retardation who had a limited vocabulary and understood approximately six words and communicated primarily with visual cues and guttural sounds. Lafoe told

a fellow care giver that the resident had fallen during the night and sustained an abrasion on his face. The resident was found to have an abrasion on the end of his nose, an injury below his right eye and an abrasion over his left knee area. There were also blood stains on the carpet in the living room. Lafoe pleaded guilty to one misdemeanor count of intentional neglect of a resident. Lafoe was sentenced to 2 years probation and must serve 6 months in jail and pay a fine of \$2,000. Lafoe is prohibited from working for a health care provider in any capacity.

State v Creative Stepping Stones Creative Stepping Stones operates Summit Place a CBRF. A 90 year old resident of the facility had been prescribed a soft mechanical diet. On January 10, 2004, the resident was served a ham sandwich and a dish of canned peaches. A piece of meat became lodged in the resident's throat and caused her death. The corporation was convicted of one count of 2nd degree reckless injury. The corporation was placed on probation for 6 months with a condition that a \$25,000 fine is paid. The corporation must also pay \$8,027.13 to the victim's sole surviving heir to cover funeral expenses. Creative Stepping Stones has agreed to sell the business or close the facility.

State v Debra Grady Grady was charged with Intentional Abuse of a Resident for slapping a resident of the nursing home where she was employed as a CNA. A trial commenced and after lengthy deliberation the jury determined it was hopelessly deadlocked and unable to render a verdict in the case. An agreement was reached whereby the State would not seek a new trial if Grady agreed to be placed on the Caregiver Misconduct Registry.

State v Colleen Allen While working as a CNA Allen misappropriated 11 Hydrocodone pills that belonged to a resident. Allen pleaded guilty to 1 count of obtaining a prescription drug by deceit. Allen was placed on 2 years probation.

State v Patrick Malone Malone was Executive Director of a CBRF. In October 1999 the fire escape was removed from the two-story structure to allow repairs to be done to the roof. The fire escape was not replaced and in February 2002, a resident of the facility used the second floor exit to step out onto the porch roof and slid off the roof and onto the cement sidewalk below. The resident sustained multiple broken bones and paraplegia. Malone was charged with 1 felony count each of Intentional Abuse, Negligent Abuse of Resident and Reckless Injury. A jury acquitted Malone of the charges.

July 2006 – June 2007

State v Kathryn Thull While employed as a caregiver at a CBRF, Thull took a pension check belonging to one of the residents and forged the resident's name in order to cash the check herself. Thull also wrote business checks to herself and signed the administrator's signature. Thull pleaded guilty to 1 count felony theft from patient and 2 counts of felony forgery. She received a stayed sentence of 5 years and was placed on 4 years probation. Thull must pay \$651.38 in restitution.

State v Laverne Bell Bell was employed as a caregiver by an agency that provides in-home nursing and healthcare. Bell was assigned to care for the victim, a woman who suffers from Alzheimer's disease. Bell used the woman's credit card without permission to purchase personal items for herself. Bell pleaded guilty to 3 counts of felony forgery and was sentenced to 44 months imprisonment with 20 months incarceration and 24 months extended supervision. She must also pay \$314.72 in restitution to the victim.

State v Julie Thao Thao was an RN working in the birthing suite at St Mary's Hospital. A 16-year-old patient was in the birthing suite awaiting the birth of her son. The patient had a strep infection and had been prescribed Penicillin. Although an epidural had not been prescribed and she had not been authorized to do so, Thao took an epidural bag from the drug closet and brought it into the patient's room. Thao disregarded all hospital safeguards for administering medication and connected the epidural to the IV line instead of the Penicillin causing the death of the patient. Thao pleaded no contest to 1 count of Non-Pharmacist Dispense Prescription and 1 count Possess/Illegally Obtain a Prescription. Sentence was withheld and she was placed on 2 years probation.

State v Northwest Counseling A mental health facility owned by Northwest Counseling and doing business as Rice Lake Day Treatment Center was convicted of one felony count of negligent abuse of a resident. The corporation failed to provide adequate training to staff members in the proper implementation of the facility's restraint policy, leading to the death of a 7-year-old resident. The corporation was ordered to pay the maximum fine of \$100,000 and \$12,203 in restitution.

State v Colleen Freiburg Freiburg was employed as a caregiver at a CBRF where she misappropriated medications belonging to residents in her care for her own use. Freiburg entered a plea of no contest to 1 count Theft-Movable Property and 1 count Possess/Illegally Obtained Prescription. She was sentenced to 9 months imprisonment, stayed and was placed on 36 months probation. As a condition of probation Freiburg will serve 3 months incarceration.

State v Hailey Polacek Polacek was employed as a caregiver at a Community Based Long Term Care Facility which provides care for persons with disabilities. Polacek filed change of address forms with the US Postal Services redirecting the mail of a number of residents from the facility to her own home address. Polacek entered into a deferred prosecution agreement that required her to complete 20 hours of community service, attend counseling for 6 months and abstain from criminal behavior.

State v Freiburg While employed as a caregiver at a community retirement center, Freiburg misappropriated 16 tablets of Propoxy and numerous other pain medications belonging to residents. Freiburg pleaded guilty to Theft and Possession of an Illegally Obtained Prescriptions. A 12 month sentence was imposed and stayed. She was placed on 36 months probation to include 3 months conditional jail time.

State v Brian Hoffart Hoffart was employed as emergency room RN at a Milwaukee Hospital. Hoffart performed an unnecessary breast and rectal exam on a female patient while alone with the patient. On another occasion Hoffart performed a pelvic exam on a patient with ungloved hands and caressed her buttocks. Hoffart pleaded no contest to one felony count of third degree sexual assault and one misdemeanor count of fourth degree sexual assault. He was sentenced to 54 months of imprisonment to be served as 18 months initial confinement and 36 months extended supervision.

State v Kim Bagley Employed as a caregiver to a husband and wife. The wife has advanced Alzheimer's and the husband is wheelchair-bound. As part of her duties, Bagley used the couple's debit card in order to make purchases and run errands for them. Over the course of several months in 2006, Bagley used the card to make purchases for her personal use and also began using the couple's Visa credit card. Bagley pleaded guilty to two felony counts of Unauthorized Use of an Individual's Personal Identifying Information and was sentenced to 6 years probation with 90 days in jail. Restitution was set at \$2,239.90.

July 2007 – June 2008

State v. Murphy While working as a Registered Nurse at a nursing home Murphy was diverting pain medications for his personal use. Murphy pleaded guilty to possession of a schedule II controlled substance and unlawful possession of a schedule II substance by practitioner. He was sentenced to 7 months jail with 5 months stayed.

State v Mary Ann Jones

Jones was employed as a caretaker in a group home. She was witnessed by neighbors pushing a disabled resident down on a cement driveway. Jones then left the resident lying on the driveway and reentered the facility. Upon returning to the driveway, Jones pulled the resident up by her arms and pushed her into a lawn chair. Jones entered a no contest plea to an amended charge of misdemeanor Battery. Jones had been charged with one felony count of Battery to an Elderly Individual. At sentencing the Judge imposed and stayed a sentence of nine months in the House of Corrections and placed her on one year probation. As a condition of probation, Jones must serve four months in jail and complete an anger management program. She must also maintain employment but cannot work as a caregiver for residents or resident facilities and may have no contact with the victim or any other resident she previously worked with.

State v. Karen Mason

Mason had been the COO and Administrator at the Havenwood Nursing and Rehabilitation Center in Milwaukee. It was established she had used resident funds to purchase personal and luxury items for herself. The U.S. Department of Labor determined Mason had also failed to deposit money into employees' 401(k) accounts even though the money had been deducted from their paychecks. Vendors had stopped providing services due to lack of payment by the facility, directly affecting residents' rehabilitation therapies and overall well-being. Mason pleaded to two counts of felony

theft and one felony count of neglect of residents likely to cause bodily harm. She was sentenced to two consecutive terms of six years imprisonment (three years initial confinement, three years extended supervision on each), imposed and stayed, and placed on four years probation for the theft counts, to include six months in the House of Corrections. She was sentenced to nine months in the House of Corrections for the count of neglect to be served consecutively. Mason was further ordered to \$85,132.26 in restitution.

State v Bernie Morris

Morris was employed as a caregiver at a group home and admitted to forcing a resident into a bath tub of water that was too hot. Morris further admitted it was his responsibility to check the temperature of the bath water before the resident entered the tub. The resident suffered second degree burns over 30% of his lower body causing the skin to slough off his legs and feet. Morris entered a plea of guilty to one count of felony Neglect of a Resident Likely to Cause Great Bodily Harm and was sentenced to 18 months initial confinement and 2 years extended supervision.

State v Toy Robbins

Robbins was employed as care giver at group home when an incident occurred regarding a resident being burned by bathwater that was too hot (see State v. Bennie Morris above). When the police at the scene initially questioned Robbins she stated that she had given the resident his bath with no trouble then left him with another caregiver after which the burns were discovered. In a second statement to another police officer, Robbins stated she had not been involved in bathing the resident at all. She admitted to having lied in the first statement to try and protect the responsible caregiver. Robbins pleaded guilty to one misdemeanor charge of Obstructing an Officer; she was placed on 9 months probation.

July 2008 – June 2009

State v Anthony Moody Moody was employed as a caregiver at a Milwaukee group home for the developmentally disabled. Moody was charged with one felony count of Abuse of a Resident of a CBRF for striking a resident in his care. At trial a jury found Moody not guilty of the charge.

State v Eric Larrabee

Larrabee was employed as a caregiver at a Nursing Home where he was witnessed taunting an elderly female patient and slapping her across the face. Larrabee also squeezed the patient's arm that resulted in visible bruising on multiple occasions. Larrabee pleaded guilty to three counts of battery. He was sentenced to six months jail followed by 18 months probation. Conditions of probation include anger management and aggression counseling, maintain employment and avoid work as a caregiver.

State v Anthony Moody

The charges against Moody stem from an argument with another inmate that resulted in Moody assaulting the inmate. Moody was being held at the time on an allegation of abuse of a resident of a care facility. Moody was sentenced for his convictions of Battery by Prisoner and Attempted Battery by Prisoner, receiving seven months in the House of Corrections, imposed and stayed, and placed on 15 months probation. Conditions of probation include maintaining full time employment and participating in anger management treatment. Moody must also complete 20 hours of community service.

State v Eileen Lee

Lee was employed as Assistant Director of Nursing and was in charge of patient wound care when a patient was admitted with three minor wounds. Lee stopped treating the patient after a month and did not ask anyone else to monitor or treat his wounds. Lee also falsified the patient's records to make it appear she had been providing proper treatment. The patient died and an autopsy concluded the patient died from bronchopneumonia stemming from bacteria that entered through the wounds. Lee pleaded guilty to one charge of felony neglect of a patient likely to cause great bodily harm. She was sentenced to one year incarceration imposed and stayed and was placed on three years probation with conditions to complete 100 hours of community service and to not work in any healthcare facility during the course of her sentence.

State v Armondo Orozco

Orozco pleaded guilty to one count of second degree sexual assault stemming from his employment as a case manager at a drug rehabilitation facility. Orozco engaged in sexual conduct with a resident in his care, resulting in pregnancy. Orozco was sentenced to two years of initial confinement and three years of extended supervision with conditions of AODA assessment, maintain absolute sobriety, provide DNA sample, no contact with the victim, not work with any social service agency, comply with supervision and paternity court orders.

State v Antoinette Sutton

Sutton was employed at an assisted living facility when she used the credit card of a resident in her care to purchase goods and services for her own use. She also filed a change of address with the post office to reroute the resident's mail in an attempt to keep the resident from seeing the credit card bill. Sutton pleaded guilty to one felony count each of theft from a resident and unauthorized use of an individual's personal identifying information. She was sentenced to five years, imposed and stayed, and placed on three years probation for the count of theft. For each of the other counts she was sentenced to three years imprisonment, imposed and stayed, and placed on three years probation to run concurrently. As a condition of probation she must serve nine months in the House of Corrections. Additional probation conditions include having no contact with the victim or any of the facility staff. Sutton is also barred from working in any nursing care facility.

State v Janelle Wisner-Cook

Wisner-Cook was employed at a home for the developmentally disabled when she used the residents' funds and corporate credit card to purchase gasoline, groceries and other

assorted personal items for her own use. She pleaded guilty to a felony count of Theft and admitted to the facts of three additional theft crimes to be considered at sentencing. Wisner-Cook was sentenced to 2 years probation. As a condition of probation she must spend 90 days in jail, seek and maintain full time employment and write letters of apologies to the victims. Restitution was deducted from Wisner-Cook's final paycheck from the facility.

State v Amanda Turner

Turner entered a guilty plea to three counts of embezzlement. She was placed on 12 months probation and is required to continue parenting classes, obtain a mental health evaluation and participate in any treatment deemed necessary. Turner was employed at an adult assisted living facility and embezzled \$900 from a resident who suffers from Down Syndrome, using the money for her own personal use. Turner then falsified the financial ledger to cover up the \$900 deficit.

State v Anthony Moody Moody was employed as a caregiver at a Milwaukee group home for the developmentally disabled. Moody was charged with one felony count of Abuse of a Resident of a CBRF for striking a resident in his care. At trial a jury found Moody not guilty of the charge.

July 2009 – June 2010

State v. Jayme Higgins

As the manager of an assisted living facility, Higgins was responsible for depositing residents' paychecks into their bank accounts. Several overdrafts to one account resulted in a check of the bank statements by the resident's sister. It was discovered that 11 checks had not been deposited. Upon questioning, Higgins admitted to having cashed the checks and used the money to purchase goods and services for her personal use. Higgins entered a plea of guilty to one felony count of Theft. She was sentenced to two years probation and 100 hours of community service. Higgins had repaid \$1,600 of the missing money to the resident prior to her conviction.

State v. John Monacelli

Monacelli pleaded guilty to two counts of Abuse and Neglect of Patients and Residents. Sentence was withheld; Monacelli was placed on two years probation with conditions of no clinical AODA practice, and a total of \$2,000 in fines plus costs.

Monacelli had been a therapist at a drug rehabilitation facility when he had sexual contact with two people in his care.

State v. Kristine Kolba

Kolba pled guilty to one count of felony Possession of Schedule II Narcotic Drugs without a Prescription and was placed on two years probation.

Kolba had been employed as a Resident Assistant at an Assisted Living facility; instead of giving a resident her prescription Fentanyl patch Kolba took it home and ingested it causing her to suffer an overdose.

State v Abigail Mader

Mader entered a guilty plea to one count misdemeanor neglect of a patient and was placed on one year probation, with conditions including 40 hours of community service and no employment as a caregiver or in a medical setting, on her conviction for neglect of a patient.

The charges stem from Mader's employment as a home health worker assigned as a temporary caregiver for one day to a man who suffers from Multiple Sclerosis. Mader claimed she was unable to locate the man's residence and after several unsuccessful phone calls to her employer for assistance, simply returned home. When the regular caregiver returned, the man was calling for help after deprivation of his medications, food and water for over 24 hours.

State v Conswela Taylor

Taylor pleaded guilty to one count of felony misappropriation of identifying information to obtain money. A 3 year sentence was stayed and she was placed on 3 years probation to include 5 months in the House of Corrections.

The charge stems from Taylor's employment as a caregiver for developmentally disabled adults at a community based residential facility. Taylor misappropriated the name and social security number of a resident of the facility who suffers from profound cognitive disability and cerebral palsy. Then, Taylor created an MCI telephone account by calling MCI and posing as the victim. Taylor obtained residential phone services for several weeks until she was caught by her employer. The bill for services was never paid.

Fraud

July 1999 – June 2000

State v. Donna Chester. Chester, Director of Operations for EZ Care Transportation, was convicted of one felony count of Medicaid fraud. She was sentenced to 3 years probation and ordered to pay restitution in the amount of \$5,000. Four other felony counts were read into the record for sentencing purposes. Chester was involved in billing Medicaid for services not rendered and for transports to non-covered services such as work and school. She was also involved in falsifying trip documentation to satisfy DHCF auditors.

State v. Sonya Edwards. Edwards, owner of EZ Care Transportation, was convicted of two counts of theft by fraud and was sentenced to two years in prison to be followed by ten years of probation. As a condition of her probation, Edwards must make restitution in the amount of \$182,466.67. Four other felony counts were read into the record for sentencing purposes. Edwards was involved in billing Medicaid for services not rendered and for transports to non-covered services such as work or school. She also falsified documentation to satisfy DHCF auditors.

State v. Derott Johnson. Johnson, owner of New Horizon Transportation, was convicted of two felonies: one count Medicaid fraud and one count theft by fraud. Johnson was accused of billing for transports that had never occurred. He was sentenced to two years in prison and eight years probation. As a condition of probation, Johnson must pay \$27,108.47 in restitution and \$25,188.80 in investigative costs.

State v. Terry Neeley. Neeley, owner of Gentle Care Transportation, pled guilty to two counts of theft by fraud. Neeley repeatedly claimed that second attendants had been provided to assist riders, when they were not provided. Neeley was sentenced to three years in prison and ten years probation. The prison sentence runs concurrently with the sentence for a 1976 conviction of first-degree murder, for which Neeley's probation was revoked. Neeley was also ordered to pay \$30,900 in restitution.

July 2000 – June 2001

State v. Ingrid Hicks. Hicks, a psychologist, pled guilty to two felony counts of theft by fraud. She was sentenced to six years in prison on count one and six years in prison, consecutive, imposed and stayed on count two. She also received six years of probation consecutive to count one. The court ordered Hicks to complete 100 hours of community service and to pay over \$500,000 in restitution. Hicks was hired by two separate residential treatment centers to provide therapy two days a week. Hicks submitted claims to look as though she had provided services seven days a week. She also billed Medicaid for providing services to 20 residents of Charter Behavioral Health Systems, when she had not provided any services.

State v. Stephen Rater. Rater, a dentist, pled no contest to 13 counts of theft by fraud. Rater had submitted claims for fillings that misrepresented the number of tooth surfaces that had been filled. He was sentenced to six months in jail to be served on electronic monitoring and four years of probation, additionally; he must complete 200 hours of community service. Rater was ordered to pay \$68,277 in restitution, \$20,000 in investigative costs and \$71,500 in fines.

State v. Bobby Hambright. As the owner of Good Transportation, Hambright billed the Medicaid program for transporting patients to medical appointments when those patients were not actually transported. According to the Criminal Complaint, approximately 50% of the company's billings were fraudulent. Hambright was charged with 7 felony counts of theft by fraud. He pled no contest to 2 counts and was sentenced to 5 years probation for Count 1 and 1 year in jail for Count 2, 5 other felony counts of theft by fraud were read into the record for sentencing purposes. Hambright was also ordered to pay \$29,119 in restitution to the state Medicaid program and \$5,000 in investigative costs.

State v. Tyrone Graffree Between January 1997, and June 2000, Tyrone Graffree, as owner of T&C Transport, billed the Medicaid program \$1 million for transportation that never took place. Graffree pled guilty to 13 felony counts of medical assistance fraud and 1 felony count of theft by fraud. Graffree was sentenced to 7 years in prison and 10 years probation. As a condition of probation, Graffree must pay \$1.3 million in restitution to the state Medicaid program.

July 2001 – June 2002

State v. ECB, Inc. Between January 1999 and August 2000, ECB, Inc. and its owner Earnest Brown billed the Medicaid program for hundreds of transportation services that had not been provided. The Judge entered a default judgment against ECB, Inc. after finding the company guilty of 4 felony counts of Medical Assistance Fraud and 1 felony count of Theft by Fraud. ECB, Inc. was ordered to pay a \$110,000 fine and \$1.2 million in restitution.

State v. Express Transportation Service Between April 1996 and October 1996, Express Transportation, Inc. billed the Medicaid program for transporting a person who was actually a company employee driving the van. The Judge entered a judgment against Express Transportation, Inc. after finding the company guilty of 1 felony count of Theft and ordered the company to pay \$6,000.00 in restitution.

State v. Shannon Jefferson Jefferson pled guilty to one felony count of racketeering and will be sentenced in April 2002. As co-owner of an SMV, Jefferson was found to have been billing Medicaid for services not provided. After the business, Welch Transportation was shut down, she and her partner opened another SMV under the name Milwaukee Medical Transit and began to again bill for services not provided.

State v. Darryl Welch Welch pled guilty to one felony count of racketeering and will be sentenced in April 2002. As co-owner of an SMV, Welch was found to have been billing Medicaid for services not provided. After the business, Welch Transportation was shut down, he and his partner opened another SMV under the name Milwaukee Medical Transit and began to again bill for services not provided.

State v. Obbie Ward Ward, as owner of an SMV company called OJ Transport, billed the Medicaid program for transportation services that had not been provided. Ward pled no contest to one felony count of theft by fraud. Ward was sentenced to 6 months in jail, stayed and 5 years probation.

July 2002 – June 2003

State v. T&C Transportation Between January 1997 and June 2000, Tyrone Graffree and T&C Transport billed the Medicaid program \$1 million for transportation that never took place. The state proved that the company claimed to transport several Medicaid recipients who were actually hospitalized or deceased when the alleged trips were made. The state secured a default judgment finding the company guilty of 13 felony counts of medical assistance fraud and one felony count of theft by fraud. T&C has been ordered to pay a \$310,000 fine and \$1,026,135 in restitution.

State v. Dennis Rugg Rugg pled no contest to one felony count of forgery and five misdemeanor counts of practicing nursing without a license. Rugg was initially employed at a nursing and rehabilitation center as a CNA but told coworkers he was in the process of obtaining his nursing degree. Rugg later presented what appeared to be an official State of Wisconsin Nursing License and represented that he had obtained his nursing license. Rugg was hired as a registered nurse at the facility. While employed as a nurse, Rugg administered hundreds of doses of narcotics to elderly patients and performed numerous personally invasive procedures requiring the skill levels of a registered nurse. Rugg, in fact, had no training, education or license and had forged the credentials he presented. Rugg was sentenced to 2.5 years confinement and 4 additional years of extended supervision on the felony conviction and 2 years probation on the misdemeanor counts.

State v. Tibor Katona Katona owned a transportation company called Trusted Care Services, Inc. Between March 2000 and March 2001, Katona billed for services that had not been provided, including billing for transportation for those who were continuously in jail or in the hospital or who had never heard of Trusted Care. Katona pled guilty to 5 felony counts of Medical Assistance Fraud, 1 felony count of Theft by Fraud and 1 felony count of Racketeering. Katona was sentenced to 5 years in prison, imposed and stayed for 7.5 years probation and 1 year in the House of Corrections. Katona must pay \$123,688.97 in restitution and is barred from working for or being involved with any program doing business with the Medicaid and Medicare Programs.

State v. Trusted Care Services Inc A default judgment was entered against Trusted Care finding the company guilty of 15 felony counts of medical assistance fraud. The company was ordered to pay fines of \$375,000 and restitution in the amount of \$123,688.97.

State v. Dr. Emma Voloshin Voloshin owns Comprehensive Health Care, a medical practice in Milwaukee, Wisconsin. Between January and September 2000, she employed an unlicensed physical therapist and an unlicensed physician's assistant to provide medical services to patients and billed Medicaid for these services as if she had performed them herself. Voloshin pled guilty to six misdemeanor counts of filing false insurance claims and was sentenced to 4 years probation, 160 hours of community service and fines of \$75,000. Voloshin paid \$51,475.92 in restitution to the State's Medical Assistance Program.

State v. Corey Smith Corey Smith, along with his sister Lavender Johnson, operated an SMV called C&L Transport. Between November 1997 and August 1998, Smith and Johnson billed the Medicaid program for transportation services that had not been provided. Smith entered a no contest plea on March 19, 2003 and was convicted of one Felony count of Racketeering. Sentencing is scheduled for May 2003.

State v. Lavender Johnson Lavender Johnson, along with her brother Corey Smith, operated an SMV called C&L Transport. Between November 1997 and August 1998, Johnson and Smith billed the Medicaid program for transportation services that had not been provided. Johnson entered a no contest plea on March 19, 2003 and was convicted of one Felony count of Racketeering. Sentencing is scheduled for May 2003.

State v. Ronald Reed Reed, along with his wife, Terri Reed, owned an SMV called R&R Transport. Between August 1998 and September 2002, Reed billed the Medicaid program on 5,143 occasions, or about 90% of their billings in this period, for a non-existent second attendant on trips they provided. On February 4, 2003, Reed pled guilty to one Felony count of Racketeering. Sentencing is scheduled for May 2003.

State v. Terri Reed Reed, along with her husband, Ronald Reed, owned an SMV called R&R Transport. Between August 1998 and September 2002, Reed billed the Medicaid program on 5,143 occasions, or about 90% of their billings in this period, for a non-existent second attendant on trips they provided. On February 4, 2003, Reed pled guilty to one Felony count of Racketeering. Sentencing is scheduled for May 2003.

State v. Karen Ferguson Ferguson worked as a personal care worker for both Anew Home Health Care and Creative Community Living Services. Between October 1999 and September 2000, Ferguson submitted timesheets to both employers claiming she provided services on the same times and dates to clients of both companies. On April 10, 2003, Ferguson pled guilty to 2 counts of Misdemeanor Theft and was sentenced to 2 months in jail and 2 years probation. She must also make restitution in the amount of \$3,530 or perform 350 hours of community service credited at \$10 per hour.

July 2003 – June 2004

State v. Clinton Mallett Mallett owned and SMV called See Transport. Between August 1999 and July 2001, Mallett billed Medicaid for transportation services that had not been provided. Mallett pled guilty to one count of felony Medical Assistance Fraud. He was sentenced to pay a fine of \$10,000. Mallett was given one year to pay the fine, complete 150 hours of community service or spend 60 days in jail. Restitution in the amount of \$19,845 was paid by Mallett at the time of sentencing.

State v. Tonya Cloyd Cloyd used falsified college transcripts to gain employment as a Nurse Tech and to pass herself off as a graduate student training to be an RN. Based upon these false credentials, Cloyd was hired by a number of nursing homes and was directly responsible for, among other things, providing nursing care to residents, supervising all medical staff and the assessment and diagnosis of patient illnesses. Cloyd pled guilty to felony charges of Forgery, Practicing Nursing without a License and Theft by Fraud. She was sentenced to 9 months consecutive on each count, imposed and stayed, and was placed on 3 years probation. As a condition of probation, Cloyd must spend 6 months in jail and pay restitution in the amount of \$14,024.

State v. Bobby Armon Armon owned an SMV called BFK Transit. Between January 1998 and June 2001, Armon billed the Medicaid program for transportation services that had not been provided, including one instance where he billed for someone who had died 12 months earlier. Armon entered guilty pleas to one felony count of Theft by Fraud and 4 felony counts of Medical Assistance Fraud. Armon was sentenced to 3 years probation with conditions including 1 year in jail. Armon must pay \$55,210 in restitution to the Medicaid program.

State v. BFK Transit The same charges filed against Bobby Armon, listed above, were also filed against the SMV company, BFK Transit. A default judgment was entered against the corporation and a fine of \$160,000 and restitution in the amount of \$55,210 was ordered.

July 2004 - June 2005

State v. Barbara Bergman Bergman worked as a chiropractor and billed the Medicaid program for services she had not provided. Bergman pled no contest to one misdemeanor count of fraud and was sentenced to 18 months probation. As a condition of probation she must complete 100 hours of community service, pay \$1,000 in restitution, \$1,000 in fines and surrender her chiropractic license and Medicaid provider number.

State v. Arthur Campbell Campbell, as owner of Nina Transportation, was convicted on 3 counts of Medicaid fraud and 1 count failure to file corporate tax returns. Between March 1996 and April 2002, Campbell billed the Medicaid program for services not provided and for services provided to people capable of driving themselves or taking public transportation. Campbell entered a plea of guilty to the 4 counts and was sentenced to a total of 9 years probation. As a condition of probation he must spend 30 days in jail, repay \$375,144 in restitution to the State Medicaid program and \$11,703 to the Department of Revenue.

State v. Nina Transportation The Corporation owned by Arthur Campbell received a default judgment of 26 counts of Medicaid Fraud and was ordered to pay \$260,000 in fines and \$375,144 in restitution to the State Medicaid program, joint and severally with Arthur Campbell Corporation owner.

State v. Extendicare Homes, Inc. Extendicare Homes is the corporate owner of Lakeside Nursing and Rehabilitation. Between December 2002 and July 2004, Lakeside was not adequately staffed to reliably supply the services needed by its residents. A civil settlement was reached whereby Extendicare surrendered its license to operate Lakeside, paid the State \$356,459.40 in forfeitures previously imposed by DHFS and an additional \$1,917,026.10. This amount was calculated to approximate the money Extendicare collected from its residents between December 2002 and July 2004, but did not use to provide care and treatment.

State v. Wendi Mueller Mueller, an RN, worked independently as a home health provider. Investigation determined she had billed Medicaid for services she had not provided. Mueller pled guilty to 3 counts of misdemeanor Theft by Fraud and was sentenced to 2 years probation and ordered to pay \$7,475.00 in restitution.

State v. Kevin Johnson As owner of Hospitality Care Transportation, Johnson billed the Medicaid program for services that had not been provided. Johnson pled guilty to 4 counts of felony medical assistance fraud and was sentenced to 9 months in the House of Corrections on each count, consecutively. That sentenced was stayed and Johnson was placed on 4 years probation. As a condition of probation he must pay \$2,500 in fines and \$25,407 in restitution.

July 2005 – June 2006

State v. Tony Bayour As owner of Bayour Care Transportation Company, billed the State for services that had not been provided, including billing for services after the company's only vehicle had been sold and 208 claims for people who were deceased. Bayour pleaded guilty to three counts of felony medical assistance fraud and was sentenced to 4 years imprisonment, stayed and 5 years probation. As a condition of probation Bayour must pay \$15,700 in restitution.

State v. Sheila Thelen Thelen had contracted with the Crawford County Human Services Department to provide transportation to recreational outings for a resident of a local facility. From August 2002 until February 2005, Thelen submitted bills for 44 trips that had never occurred. Thelen pleaded guilty to 3 counts of felony medical assistance fraud and was placed on 2 years probation. \$3,080 in restitution was paid at time of sentencing.

State v. Anthony Weathers Weathers was the owner of Second Chance Transportation. Between April 2003 and June 2003, Weathers, through Second Chance, billed for and was paid for services he had not provided. Weathers pleaded guilty to one felony count of Medicaid fraud and was sentenced to 2 years probation. Weathers paid \$45,651.56 in restitution at the time of sentencing.

State v. Michael Kushnir Kushnir owned a medical clinic called K&R Medical. In 2002 Kushnir used a physician's MA provider number to bill for services on dates when that provider was not employed by K&R. Kushnir pleaded guilty to one felony count of Medical Assistance Fraud and was sentenced to 6 years with 3 years imprisonment and 3 years extended supervision. The court stayed the sentence and placed Kushnir on 3 years probation. Kushnir was ordered to pay a fine of \$25,000.

State v Janice Corbett Corbett, an R.N., was hired to help provide 24-hour nurse coverage for a client suffering from muscular dystrophy. Corbett continued to submit claims after her employment was terminated. Corbett plead guilty to one count of misdemeanor fraudulent insurance claims. Under the plea agreement Corbett must permanently surrender her Medicaid provider number, pay a fine of \$2,500, pay \$32,330.44 in restitution and perform 100 hours of community service.

State v Rosalie Zahn Zahn, an R.N., was hired to help provide 24-hour nurse coverage for a client suffering from muscular dystrophy. Zahn continued to submit claims after her employment was terminated. Zahn plead guilty to one count of misdemeanor fraudulent insurance claims. Under the plea agreement Zahn must permanently surrender her Medicaid provider number, pay a \$1,000 fine, pay \$17,006.88 in restitution and perform 100 hours of community service.

State v Sharon Jerdee As the owner of Ambu-Lift Transports, Inc., Jerdee was convicted of 4 counts of felony forgery and 3 counts of felony medical assistance fraud. Jerdee altered inspection documents to show that the company's vehicles had been inspected by the Stat Patrol when they had not. Jerdee also forged information on insurance policies to make it appear there was coverage when there was not. A jury found Jerdee guilty and she was sentenced to 5 years incarceration with 2 years imprisonment and 3 years extended supervision after which she will serve 3 years probation. Jerdee must pay \$430,225.45 in restitution.

State v Ambu-Lift Transport, Inc. Ambu-Lift Transports, Inc. is owned by Sharon Jerdee (see above). The company was convicted by default judgment for 4 counts of felony

forgery and 3 counts of medical assistance fraud. The corporation's assets have been frozen for 42 years.

State v Gary Tritt Tritt was employed as a caregiver for a patient who uses a ventilator and needs 24-hour care. Tritt billed Medicaid for hours he had not worked. Tritt pleaded guilty to 1 count of medical assistance fraud and was ordered to pay \$2,578.00 in restitution and \$1,383.00 in fines.

State v William Powell Powell owned Metro Care Transport and billed Medicaid for second attendants when none were provided. Powell pleaded guilty to 2 counts of misdemeanor Fraudulent Insurance and Employee Benefit Claims and was sentenced to one year probation. Powell surrendered his Provider number for himself and his company and must pay \$22,008.43 in restitution and complete 50 hours of community service.

July 2006 – June 2007

State v Darnell Adkins Adkins owned a DME business and billed Medicaid for equipment he never provided. Adkins pleaded guilty to 3 felony counts of Medical Assistance Fraud and 1 felony count of Possession of a Controlled Substance-Cocaine. Adkins received a stayed sentence of 13 years imprisonment and was placed on 5 years probation. Adkins must pay \$41,653.68 in restitution.

State v Dennis M Robertson As the owner of CEMED, an SMV company, Robertson billed Medicaid for services he had not provided. Robertson pleaded guilty to 1 felony count of Medical Assistance Fraud and was placed on 3 years probation. As a condition of probation, Robertson will serve 12 months in the House of Corrections and will pay \$8,861.26 in restitution and \$1,185.07 for the cost to extradite him from Louisiana.

State v Shiraine Baker Baker was employed by Compassionate Mothers, an organization that aided expectant mothers in finding needed services in the community. Baker participated in a scheme to create false and fraudulent documents for billing the Medicaid program. Baker pleaded guilty to Presenting/Causing Fraudulent Insurance Claims and was ordered to pay \$1,500 in restitution.

July 2007 – June 2008

State v Roberts As the owner of an SMV, Roberts billed Medicaid for services not provided and for service provided using uninsured vehicles. Roberts pleaded no contest to 4 counts of Fraud and was sentenced to 1 year in the House of Corrections, stayed, and was placed on 4 years of probation. He is required to pay \$29,954.00 in restitution.

State v Nicole Stewart Stewart was the owner of Compassionate Mothers, Inc. a company that provided prenatal care coordination and childcare coordination to pregnant women and new mothers. Stewart billed the Medicaid program for services that had never been provided and services that had been provided but were not covered by Medicaid. Before a scheduled audit by DHFS, Stewart paid employees to fabricate documentation in an attempt to cover up the fraudulent billings. Stewart pleaded guilty to four counts of felony medical assistance fraud and was sentenced to 14 years to be served as 5 years incarceration and 9 years extended supervision. Stewart must also serve 3 years probation and make restitution in the amount of \$320,603.28.

State v Brittany Rutledge Rutledge was employed by a company that provided prenatal care coordination and childcare coordination to pregnant women and mothers of newborns. Before a scheduled audit, the owner of the company paid employees, including Rutledge, to fabricate documents in an attempt to cover up fraudulent billings being made by the company to the Medicaid program. Rutledge pleaded guilty to one count of misdemeanor fraudulent insurance and employee benefit program claims and was placed on one year probation. As a condition of probation Rutledge must pay \$1,500 in restitution.

State v Tisher Pipkorn Pipkorn was employed by a company that provided prenatal care coordination and childcare coordination to pregnant women and mothers of newborns. Before a scheduled audit, the owner of the company paid employees, including Pipkorn, to fabricate documents in an attempt to cover up fraudulent billings being made by the company to the Medicaid program. Pipkorn pleaded guilty to one count of misdemeanor fraudulent insurance and employee benefit program claims and was placed on one year probation. As a condition of probation Pipkorn must pay \$1,500 in restitution.

State v Earlane Baker Baker was employed by a company that provided prenatal care coordination and childcare coordination to pregnant women and mothers of newborns. Before a scheduled audit, the owner of the company paid employees, including Baker, to fabricate documents in an attempt to cover up fraudulent billings being made by the company to the Medicaid program. Baker pleaded guilty to one count of misdemeanor fraudulent insurance and employee benefit program claims and was placed on one year probation. As a condition of probation Baker must pay \$1,500 in restitution.

July 2008 – June 2009

State v Daron Cross

Daron Cross was the owner of Best Way Transportation, LLC, an SMV. Between April 2006 and July 2007, Cross billed the Medicaid program for services Best Way had not provided, billed for more miles than had actually been driven and fabricated documentation for services. Cross pleaded no-contest to five misdemeanor theft counts and was sentenced to 15 months in the House of Corrections, imposed and stayed, and

placed on three years probation. As conditions of probation Cross must pay \$20,422 in restitution and is prohibited from participating in the Medicaid program.

State v Darrell Dickinson

Dickinson is the owner of Dickinson Family Funeral Home and was billing the families of deceased recipients for services provided and also billing the Wisconsin Funeral and Cemetery Aids Program for the same services. He was also forging signatures of the family members whose signatures were required for WFCAP paperwork. Dickinson pleaded guilty to two felony counts of public assistance fraud and was sentenced concurrently to both counts. He must serve six months incarceration with the first 72 hours to be served in jail after which he may be released to electronic monitoring.

State v. Gary Sebranek

Sebranek was a funeral director at Dickinson Family Funeral Home and was convicted of one count of misdemeanor public assistance fraud after pleading guilty. He was sentenced to a fine and costs of \$350 or 20 hours community service. Like Darrell Dickinson (*see above*), Sebranek was submitting false claims to WFCAP, but to a lesser extent. He reached a more favorable agreement based on that, his cooperation, and agreement to testify against Dickinson.

State v Dixie Jeffery

Jeffery was charged with one count of Theft related to her duties as an LPN. Jeffery had worked as a private nurse caring for a Medicaid recipient. She continued to bill the Medicaid program after her employment had ended. After entering a guilty plea, Jeffery's sentence was withheld and she was placed on one year probation. As a condition of probation, she must undergo psychiatric evaluation within 60 days and comply with any recommended counseling, therapy or medication treatments. She was also ordered community service and a fine of \$110. The court determined that community service had been completed. Restitution of \$4,809.28 has been paid.

State v Mazen Rezk

Rezk provided transportation service to recipient and demanded payment above and beyond the usual and customary Medicaid payment for the service. A criminal complaint charging Rezk with one felony count of Medicaid Fraud was drafted but not filed with the court. A deferred prosecution agreement was reached and the overpayment money was returned to the recipient.

State v. Anthony Sanchez

Sanchez entered pleas of no contest to three counts of theft. Sanchez prepaid restitution to six identified victims in the amount of \$5,638.20 and was fined \$10,500. Sanchez will also be placed on the DHHS-OIG provider exclusion list barring him from providing services to anyone using any federal medical assistance program.

Sanchez is a dentist in Hudson who required his Medicaid patients to pay cash for root canals and other work he claimed was not covered under the Medicaid Program. Sanchez

had also instituted a policy requiring Medicaid recipients to pay \$50 to make an appointment.

Amgen and Immunex (AWP litigation)

State settled with Amgen Incorporated and Immunex Corporation as part of a multi-defendant suit brought against 35 pharmaceutical companies related to average wholesale pricing issues under State of Wisconsin v Amgen Inc, et al. Total combined settlement of \$2,000,000 was divided as follows: \$1,700,000 to the Medicaid program and \$300,000 attorney fees and costs.

Baxter (AWP litigation)

State settled with Baxter Healthcare Corporation as part of a multi-defendant suit brought against 35 pharmaceutical companies related to average wholesale pricing issues under State of Wisconsin v Amgen Inc, et al. Total settlement of \$1,050,000 was divided as follows: \$892,500 to the Medicaid program, and \$157,500 attorney fees and costs (including \$8,743 to DOJ).

July 2009 – June 2010

State v. Banek

Banek entered a plea of guilty to one count of medical assistance fraud. Banek was sentenced to pay costs only. Banek is a Medicaid recipient who had required the home health aides who worked for her to pay her \$300 a month or to lose their job.

State v. Audrey Methu and Quality Life Case Management

Methu pleaded guilty to one count of Medical Assistance Fraud. The court stayed a sentence of four and a half years imprisonment and placed Methu on probation for three years, with conditions including 12 months in the House of Corrections and repayment of \$141,275.00 in restitution. The business corporation, Quality Life Care Management, was convicted on three counts of Medical Assistance Fraud and sentenced to pay fines of \$15,000.00 with joint and several liability for the restitution.

Between June and November 2005, Methu, as owner of Quality Life Case Management, had billed the Medicaid program for more hours than were actually worked.

State v. Shalonda Booth

Booth pleaded to three counts of misdemeanor theft. The plea agreement included payment of \$54,083.14 restitution. If the restitution is not paid in full, the State will ask that Booth be placed on probation.

Charges stem from Booth's employment as a private RN. Investigation determined that Booth had been charging the Medicaid program for services she had not provided.

State v. Abbott Laboratories, et al. (AWP Litigation)(Pharmacia)

This complex civil litigation filed in 2004 in Dane County named 36 pharmaceutical manufacturers as defendants alleging that they interfered with Wisconsin Medicaid's ability to accurately estimate the acquisition costs of drugs by providing fictitious and inflated average wholesale prices (AWPs), resulting in substantial overpayment for Medicaid drugs. Several defendants have settled for amounts totaling over \$20 million in recoveries; a jury trial against Pharmacia in February 2009, resulted in a judgment against it entered in November, 2009, for over \$22 million that is currently pending appeal. The trial court stayed the litigation pending results of the appeal.

Multi-State

July 2001 – June 2002

Bayer

Bayer is alleged to have inflated its average wholesale price (AWP) for certain drugs to a level far greater than what its customers actually, on average, paid for these drugs. Because the inflated AWP was utilized as the reimbursement figure by state Medicaid programs, state Medicaid programs made substantial overpayments as a result. Additional allegations include Bayer's inflation of other cost figures, and Bayer providing inaccurate information to state Medicaid program representatives to prevent the discovery of the AWP/costs discrepancy. Wisconsin received \$58,884.76 in settlement.

TAP Pharmaceuticals

TAP Pharmaceutical supplied free quantities of Lupron, a drug primarily used for treatment of prostate cancer, to urologists and other physicians knowing that these free quantities would be billed to Medicare and Medicaid. The free Lupron quantities were not factored into the average wholesale price (AWP), which resulted in inflated AWP prices being reimbursed by Medicaid programs. Also, TAP did not include the free Lupron supplied when TAP calculated its "best price" information for federal Medicaid drug rebate program purposes, which resulted in Medicaid programs receiving an artificially lowered rebate amount for Lupron. Wisconsin received \$605,311.85 in settlement.

NMC

NMC is owned by Fresenius Medical Care North America, the world's largest provider of kidney dialysis products and services. Three NMC subsidiaries caused Medicare and Medicaid to improperly pay for needless tests administered to patients suffering from end-stage renal disease, and paid kickbacks to obtain referrals to their lab business. Wisconsin received \$3,984.29 in settlement.

July 2002 – June 2003

Pfizer

Pfizer (via Warner-Lambert) failed to correctly report best price data to CMS for the drug Lipitor in 1999. Lipitor was originally developed by Warner-Lambert, which was subsequently purchased by Pfizer in 2000. Pfizer assumed successor liability for Warner-Lambert's false reporting. The primary allegation is that Warner-Lambert failed to factor certain "educational grants" and "program funding" into its best price calculations; therefore, Warner-Lambert underpaid its rebate obligations to all states that participate in the Medicaid rebate program. Wisconsin received \$359,586.14 in settlement.

LifeScan

LifeScan's SureStep brand blood glucose monitoring system, which was manufactured and distributed between May 1996 and late 1998. The SureStep system had two defects which caused the SureStep meters to display inaccurate blood glucose readings. LifeScan failed to identify these two defects in its submissions to the Federal Drug Administration for clearance to market these monitors, and further failed to notify its customers of these defects. Wisconsin received \$29,908.32 in settlement.

July 2003 – June 2004

Abbott Lab

Multistate case involving the unlawful practices Abbott Labs. These included: providing free equipment in exchange for agreements to buy additional items, encouragement to bill Medicare and Medicaid for this equipment, monetary inducements offered to certain nursing homes and suppliers to buy products, and suppliers and nursing homes billing Medicare and Medicaid for equipment that had been supplied to them for free. Wisconsin received \$803,397.00 in settlement.

GlaxoSmithKline

The underpayment of state Medicaid rebates resulted from activities of the two predecessor companies. Glaxo Wellcome failed to report "best price" information to HCFA (now CMS) in connection with Glaxo Wellcome's private labeling of Flonase for Kaiser Permanente from 1997 through 2000, and SmithKline's private labeling of Paxil for Kaiser Permanente in 2000. By private labeling these drugs, GlaxoSmithKline's predecessor companies offered reduced prices to Kaiser, which were not reported as "best prices" to HCFA (now CMS). As a result, neither predecessor company paid appropriate amounts to the state Medicaid rebate program as required by law. Wisconsin received \$563,115.08 in settlement.

Bayer

Multistate case regarding violations of the federal Medicaid drug rebate statute by failing to accurately report "best price" information and their resulting failure to pay sufficient rebates to the state Medicaid programs in connection with their private labeling of certain drugs for health maintenance organizations. Wisconsin received \$1,822,132.22 in settlement.

July 2004 – June 2005

Shering Plough

Multistate case regarding Schering's underpayment of Medicaid Drug Rebates on its antihistamine drug, Claritin. Wisconsin recovered \$1,752,776 in restitution and penalties.

Walmart

Multistate case involving Wal-Mart and its practice of billing various state Medicaid programs for partially filled prescriptions. Wal-Mart, when faced with insufficient stock to completely fill a given prescription, would fill a part of the prescription and give the customer essentially an IOU for the balance, but bill Medicaid for the entire amount of the prescription as if it had been fully filled. If the customer failed to return to pick up the balance of the prescription, Wal-Mart made no adjustment or credit to the Medicaid program, and in some instances, drugs were returned to inventory and resold. Wisconsin received \$20,421.25 in settlement.

Parke-Davis

Multistate case involving the off-label marketing of Neurontin, which is approved for use in treating epilepsy. However, due to marketing practices, 90% of its use has been off-label for bipolar disorder, pain management, etcetera. This off-label marketing of Neurontin resulted in an over-utilization of Neurontin, often for medically unnecessary purposes, and resulted in damage to the Medicaid program. Wisconsin received \$1,386,078.06 in settlement.

AstraZeneca Pharmaceuticals Multi-State Settlement Wisconsin was part of the multi-state investigation involving allegations that AstraZeneca provided dosages of Zoladex to physicians and other providers knowing that those free dosages would be billed to the Medicaid program. Further allegations involve the company of inflating the Average Wholesale Price of Zoladex while at the same time offering discounted prices to the physicians and advising them not to report the discount to the Medicaid program. Wisconsin received \$94,811.38 of the \$24.9 million settlement reached with the Medicaid Program.

July 2005 – June 2006

Gambro Healthcare, Inc Multi-State Settlement Gambro Healthcare was alleged to have used a subsidiary company, Gambro Supply Corp. to improperly bill Medicaid for providing supplies and equipment to patients undergoing dialysis at home. By using the subsidiary, Gambro billed Medicaid at a higher reimbursement rate than what was allowed under federal regulations. Wisconsin received almost \$320,000 as part of a 40-state \$37.5 million settlement.

King Pharmaceuticals Multi-State Settlement Wisconsin was part of a multi-state investigation into King Pharmaceuticals, is a manufacturer of generic drugs. It was alleged King had not accurately calculated drug prices reported to the federal government for the purpose of establishing rebates due to state Medicaid programs under the federal Medicaid drug rebate statute. Wisconsin received \$447,236.40 of the \$124 million settlement.

July 2006 – June 2007

Shering Plough Multi-state case involving best pricing violations regarding Claritin Reditabs. The state recovered \$2,080,219.09.

Beacon Ambulance A multi-state case involving a transportation company that was billing for services provided by personnel who were not licensed or qualified to do the work. Wisconsin received \$4,554.00 in settlement.

July 2007 – June 2008

Purdue Pharmaceutical Multistate case involving the mislabeling of OxyContin. Wisconsin recovered \$2,023,962.62.

Medicis Pharma

Multi-state case involving Loprox and Loprox TS being marketed for uses not approved by FDA. Wisconsin received \$6,229.39 in settlement.

Merck I and II

Multi-state cases involving Vioxx, Zocor and Pepcid and the false reporting of best price. Wisconsin received \$3,464,092.00 in settlements.

Walgreens

Multi-state settlement regarding the switching of dosage forms for certain medications that resulted in Medicaid overpayments for prescriptions between 2001 and 2005. Settlement resulted in \$704,764.33 being paid to the Medicaid program as restitution.

July 2008 – June 2009

Cephalon

Multi-state settlement involving off-label marketing improprieties for three separate Cephalon drugs: Provigil, Gabitril and Actiq. Settlement resulted in payment of \$672,004.84 to the Medicaid program as restitution and \$1,344,009.69 as additional recoveries to the school fund for a total state settlement of \$2,016,014.53; with a total state/federal share of \$5,133,689.28 for Wisconsin Medicaid as part of the \$425 million national settlement.

Eli Lilly

Multi State Suite against Eli Lilly regarding Zyprexa and the off label marketing promoting uses not covered by Medicaid. Wisconsin received \$6,892,907.78 in settlement.

July 2009 – June 2010

Nichols Diagnostics

Multi-state civil settlement with Quest Diagnostics Incorporated and its former subsidiary Nichols Institute Diagnostics, to resolve claims concerning the accuracy of various NID diagnostic tests manufactured, marketed and sold to laboratories during 2000-2006, which in turn were used to perform testing which was billed to and paid for by the State Medicaid Programs. Wisconsin received \$44,954.80.

Pfizer

Multi-state case involving civil and criminal allegations that Pfizer and its subsidiaries paid kickbacks and engaged in off-labeling marketing campaigns that improperly promoted its drugs Bextra and Zyvox. Wisconsin received \$5,175,476.16 in settlement.

AstraZeneca

Multi-state case involving allegations that it had sold innovator drugs that were manufactured by other companies and had classified those drugs as non-innovator drugs for Medicaid rebate purposes. As a result of the improper classification of these drugs, the companies underpaid their rebate obligations to the Medicaid Program. Wisconsin received \$19,148.04 in settlement.

Ortho McNeil

Multi-state case involving allegations that it had sold innovator drugs that were manufactured by other companies and had classified those drugs as non-innovator drugs for Medicaid rebate purposes. As a result of the improper classification of these drugs, the companies underpaid their rebate obligations to the Medicaid Program. Wisconsin received \$8,265.88 in settlement.

Mylan

Multi-state case involving allegations that it had sold innovator drugs that were manufactured by other companies and had classified those drugs as non-innovator drugs for Medicaid rebate purposes. As a result of the improper classification of these drugs, the companies underpaid their rebate obligations to the Medicaid Program. Wisconsin received \$725,704.23 in settlement.

Aventis

Multi-state case alleging that Aventis and its corporate predecessors knowingly misreported best prices for the steroid-based anti-inflammatory nasal sprays Azmacort, Nasacort and Nasacort AQ. Under the Medicaid Drug Rebate Statute, Aventis was required to report to Medicaid the lowest, or "best" price that it charged commercial customers, and pay quarterly rebates to the Medicaid program based on those reported "best" prices. Wisconsin received \$872,260.81 in settlement.

Medtronics

The Government alleged that Medtronic, a medical technology company which distributes a wide range of medical devices, offered kickbacks to spine surgeons to induce them to choose devices marketed by MSD, the Medtronic subsidiary specializing in spinal implant devices. The kickbacks took various forms, including consulting and royalty agreements for which little or no work was performed; travel for doctors, their spouses and families; and, consultant meetings held at lavish venues. Wisconsin received \$59,741.87 in settlement.

Otsuka

Multi-state case involving allegations that Otsuka was involved in the off-label marketing of the prescription drug Abilify. The marketing promoted Abilify for pediatric and dementia-related applications when the Food and Drug Administration (FDA) had only approved it for the adult treatment of schizophrenia and bi-polar disorder. Pharmaceutical companies are prohibited from promoting medications for purposes other than those approved by the FDA. Wisconsin received \$41,223.56 in settlement.

Boehringer

Multi-state case where company reported average wholesale prices ("AWPs") to pricing compendia for identified drugs that were grossly inflated and did not reflect the actual average wholesale prices. The Medicaid program utilized the compendia for the payment or reimbursement of pharmacists for Medicaid recipients and consequently paid substantially more than the actual cost of the drug. Wisconsin received \$7,000,000.00 in settlement.

IVAX

Multi-state case involving unlawful kickback schemes. Wisconsin received \$106,721.99 in settlement.

OmniCare

Multi-state case alleging the company engaged in unlawful kickback schemes that defrauded federal and state healthcare programs. Wisconsin received \$1,053,261.64 in settlement.

Alpharma

Settlement reached in this multi-state case involving allegations of causing false or fraudulent claims for Kadian to be submitted to the Medicaid program. Kadian is a sustained release morphine sulfate product indicated for the management of moderate to severe pain. Wisconsin received \$314,906.49 in settlement.

July 2010

Intermune

Multi-state case involving off-label marketing and kickback schemes by InterMune, pharmaceutical distributor. Wisconsin received \$4,302.02 in settlement.