

IN THE DISTRICT COURT IN AND FOR OKLAHOMA COUNTY, STATE OF OKLAHOMA

THE STATE OF OKLAHOMA, )  
Plaintiff, )  
v. )  
AMANDA LYNNE GLAMMEYER-FRIED, )  
Defendant. )

CF-2012-3431

*G. Jones*

FILED IN THE DISTRICT COURT  
OKLAHOMA COUNTY, OKLA

JUN 04 2012

PATRICIA PRESLEY, COURT CLERK  
by \_\_\_\_\_

INFORMATION

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF OKLAHOMA, COMES NOW  
E. SCOTT PRUITT THE DULY ELECTED, QUALIFIED AND ACTING ATTORNEY GENERAL IN AND  
FOR THE STATE OF OKLAHOMA, AND ON HIS OFFICIAL OATH INFORMS THE DISTRICT COURT  
THAT

COUNT 1: ON OR ABOUT THE 14<sup>TH</sup> DAY OF APRIL 2011, A.D. THE CRIME OF WORKERS' COMPENSATION FRAUD WAS FELONIOUSLY COMMITTED IN OKLAHOMA COUNTY, OKLAHOMA, BY AMANDA LYNNE GLAMMEYER-FRIED, WHO WILLFULLY, WRONGFULLY AND FELONIOUSLY PRESENTED TO A TREATING PHYSICIAN DR. DAVID FLESHER, IN SUPPORT OF A CLAIM FOR PAYMENT OR OTHER BENEFITS PURSUANT TO A CONTRACT OF INSURANCE DURING THE PENDENCY OF HER WORKERS' COMPENSATION CLAIM THAT SHE HAD NOT WORKED SINCE THE DATE OF HER INJURY ON OCTOBER 23, 2010, KNOWING THAT THE STATEMENT CONTAINS FALSE, FRAUDULENT, INCOMPLETE, AND/OR MISLEADING INFORMATION CONCERNING ANY FACT OR THING MATERIAL TO THE PURPOSE FOR THE STATEMENT WITH THE INTENT TO DEFRAUD AND/OR DECEIVE ANOTHER, CONTRARY TO THE PROVISIONS OF SECTION 1663 (C)(1) OF TITLE 21 OF THE OKLAHOMA STATUTES, AND AGAINST THE PEACE AND DIGNITY OF THE STATE OF OKLAHOMA.

COUNT 2: ON OR ABOUT THE 10<sup>TH</sup> DAY OF MAY 2011, A.D. THE CRIME OF WORKERS' COMPENSATION FRAUD WAS FELONIOUSLY COMMITTED IN OKLAHOMA COUNTY, OKLAHOMA, BY AMANDA LYNNE GLAMMEYER-FRIED, WHO WILLFULLY, WRONGFULLY AND FELONIOUSLY PRESENTED TO A TREATING PHYSICIAN DR. KEVIN LEE, IN SUPPORT OF A CLAIM FOR PAYMENT OR OTHER BENEFITS PURSUANT TO A CONTRACT OF INSURANCE DURING THE PENDENCY OF HER WORKERS' COMPENSATION CLAIM THAT SHE HAS NOT HAD ANY PRIOR SHOULDER INJURIES IN THE LAST THREE YEARS, KNOWING THAT THE STATEMENT CONTAINS FALSE, FRAUDULENT, INCOMPLETE, AND/OR MISLEADING INFORMATION CONCERNING ANY FACT OR THING MATERIAL TO THE PURPOSE FOR THE STATEMENT WITH THE INTENT TO DEFRAUD AND/OR DECEIVE ANOTHER, CONTRARY TO THE PROVISIONS OF SECTION 1663 (C)(1) OF TITLE 21 OF THE OKLAHOMA STATUTES, AND AGAINST THE PEACE AND DIGNITY OF THE STATE OF OKLAHOMA.

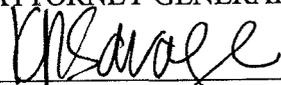
**E. SCOTT PRUITT**  
ATTORNEY GENERAL OF OKLAHOMA

By:   
KATHRYN R. SAVAGE, OBA #18990  
Assistant Attorney General  
313 N.E. 21<sup>st</sup> Street  
Oklahoma City, OK 73105  
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I HAVE EXAMINED THE FACTS IN THIS CASE AND RECOMMEND THAT A WARRANT DO  
ISSUE, (22 O.S. 231).

**E. SCOTT PRUITT**  
ATTORNEY GENERAL OF OKLAHOMA

By:   
KATHRYN R. SAVAGE  
ASSISTANT ATTORNEY GENERAL

**VIOLATION AND PENALTY:**

21 O.S. §1663 - IMPRISONMENT NOT EXCEEDING 7 YEARS AND/OR A FINE OF UP TO  
\$10,000.00.

**NAME OF WITNESSES:**

Carl Reed, Investigator  
Office of Attorney General  
313 N.E. 21<sup>st</sup> Street  
Oklahoma City, OK 73105

Tabatha Deleon, Claims Adjuster  
CompSource Oklahoma  
1901 N. Walnut Avenue  
Oklahoma City, Oklahoma 73105

Bryan Aaron, Investigator  
CompSource Oklahoma  
1901 N. Walnut Avenue  
Oklahoma City, Oklahoma 73105

Kevin Lee, M.D.  
OccuHealth Associates  
4802 NW 10<sup>th</sup>  
Oklahoma City, Oklahoma 73127

Don Holman, Claims Director  
CompSource Oklahoma  
1901 N. Walnut Avenue  
Oklahoma City, Oklahoma 73105

David Flesher, M.D.  
Orthopedic Associates  
3301 NW 50<sup>th</sup> Street  
Oklahoma City, Oklahoma 73112

Robyn Muncy, Claim Representative  
ESIS  
225 E. John Carpenter Freeway, Suite 1300  
Irving, Texas 75062

Maxim Healthcare Services Representative  
c/o Corporation Services Company  
115 S.W. 89<sup>th</sup> Street  
Oklahoma City, Oklahoma 73139

Mark Pascale, M.D.  
1110 N. Lee  
Oklahoma City, Oklahoma 73103

Greg Eskew, Flex Nursing  
3601 N. May Ave., Suite B  
Oklahoma City, Oklahoma 73112

Shannon Morton, Mental Health Technician  
Henryetta Medical Center  
408 E Center Street  
Henryetta, Oklahoma 74437

Miranda Dunson, RN  
Henryetta Medical Center  
P.O. Box 1269  
Henryetta, Oklahoma 74437

Andrea Bobadilla  
Sr. Claims Examiner  
Broadspire  
1911 North Dallas Parkway, Suite 180  
Dallas Texas 75287

**IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA**

<b>THE STATE OF OKLAHOMA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>CASE NO.</b>
	)	
<b>Amanda Glammeyer-Fried</b>	)	
<b>DOB:06/02/88</b>	)	
<b>Defendant.</b>	)	

**AFFIDAVIT OF PROBABLE CAUSE**

The undersigned, being first duly sworn and upon oath, does depose and state as follows:

I, Carl Reed, am employed as an investigator with the Workers' Compensation and Insurance Fraud Unit in the Office of Attorney General. I was assigned to investigate an alleged case of workers' compensation fraud involving Amanda Glammeyer-Fried, DOB:06/02/88. In the course of my investigation I reviewed the insurance files pertaining to a workers' compensation claim filed by Amanda Glammeyer-Fried against Maxim Healthcare. I also reviewed the investigation package prepared by Investigator Bryan Aaron, Special Investigations Unit of CompSource Oklahoma. Among the documents provided by Bryan Aaron were medical records, CompSource internal documents, Case notes, and Workers' Compensation Court documents. Glammeyer-Fried claimed she injured left shoulder on May 2, 2011, while working for Flex Nursing.

I received and reviewed medical records pursuant to Multi Grand Jury Subpoenas from: Dr. Kevin Lee, OCCU Health Associates, Dr. David Flesher, Orthopedic Associates, Dr. Mark Pascale, McBride Clinic, and Henryetta Medical Center. I obtained and reviewed employment records from Maxim Healthcare, and Flex Nursing.

Glammeyer-Fried submitted a workers' compensation claim alleging injury to her left shoulder on October 23, 2010, while working as a CNA for Maxim Health Care. She saw Dr. Gregory Grant at the Shawnee Medical Center, 2801 N Saratoga, Shawnee, Oklahoma on October 27, 2010, with complaints of shoulder dislocation. Dr. Grant recommended an MRI and placed her on pain medication. The MRI was conducted on November 15, 2010, by Dr. Philip Stratemeier. She was referred to Dr. Mark Pascale, at the McBride Clinic for additional evaluation. Dr. Pascale saw Glammeyer-Fried on November 19, 2010, for evaluation and review of the MRI. The interpretation of the MRI from the radiologist did not show any evidence of any intra articular damage of the glenohumeral ligaments, the labrum, the articular cartilage or rotator cuff. Dr. Pascale released her as MMI (Maxim Medical Improvement), with no impairment. She received Temporary Total Disability payments for the workers' compensation claim filed against Maxim Healthcare from October 27, 2010 through December 10, 2010. TTD payments ended after being released by Dr. Pascale. She sent a letter to Andrea Bobadilla, Claim Examiner for Broadspire in January 2011 demanding treatment. Her claim was reopened.

Glammeier-Fried hired an attorney and filed a Form 3 (Employees First Notice of Accidental Injury and Claim for Compensation) against Maxim Healthcare on March 30, 2011. She saw Dr. David Flesher, Orthopedic Associates, 3301 NW 50<sup>th</sup> Street, Oklahoma City on April 14, 2011, for an initial evaluation. She gave a history of working with a patient when her arm was pulled and dislocated. She received treatment at the Weatherford Hospital Emergency Room. She stated that after receiving treatment at the Weatherford Hospital, she has had at least seven dislocations of her left shoulder, and she has gone to the emergency room at least five times. A copy of the Workers' Compensation Examination Questionnaire completed by Glammeier-Fried was received and submitted to evidence. She answered no to the questions "are you currently working" and "have you worked or earned income since the injury" and "are you able to work." She indicated her last day to work was the day of injury.

Glammeier-Fried made application for employment with Flex Nursing on March 18, 2011, as a CNA (Certified Nurse Aide). She indicated on her application that she was currently employed by Maxim Health Care. She started to work for Flex Nursing on April 9, 2011. Five days before she saw Dr. Flesher. She claimed an on-the-job injury to her left shoulder on May 2, 2011, while working for Flex Nursing at the Henryetta Medical Center in Henryetta, Oklahoma. Greg Eskew, General Manager for Flex Nursing submitted a Form 2 pertaining to Glammeier's claim to CompSource Oklahoma on May 27, 2011.

Glammeier-Fried saw Dr. Kevin Lee, 4802 NW 10<sup>th</sup> Street, Oklahoma City on May 10, 2011, for evaluation. She gave a past medical history of multiple prior "labral tears" with sports in school but no shoulder injuries for the last three years and nine months during which time she had been doing similar work. Dr. Lee opined her current injury was not an exacerbation or prior injury but a new injury. Dr. Lee's progress notes of September 9, 2011, pertaining to Glammeier-Fried states: She did not keep her followup appointment in July and has evidently been seeking treatment with multiple physicians.

Dr. Lee's review of OBN records pertaining to Glammeier-Fried revealed substantial use of pain medication prior to the purposed date of injury. He discharged Glammeier-Fried from care as her shoulder problem clearly pre-existed the date of injury and was significantly symptomatic and there is evidence of inappropriate use of pain medication prior to and since the date of injury.

Glammeier-Fried received Temporary Total Disability payments for the workers' compensation claim filed against Maxim Healthcare for the October 23, 2010 injury to her left shoulder. She received TTD payments from October 27, 2010 through December 10, 2010, and from July 13, 2011 through November 28, 2011. She also received Temporary Total Disability payments for the workers' compensation claim filed against Flex Nursing for the May 2, 2011 injury to her left shoulder. She received payments from May 6, 2011 through September 2, 2011. Therefore she received the Temporary Total Disability payments from Maxim Healthcare starting July 13, 2011, through September 2, 2011, while also receiving payments from Flex Nursing.

Based on the above information, I believe that probable cause exists to show Amanda Glammeier-Fried committed the crimes of Workers' Compensation Fraud, in violation of 21 O.S. § 1663 (C)(1) when she made false and misleading statements material to her claim to Dr. Kevin Lee and Dr. David Flesher, and in violation of 21 O.S. § 1663(C)(3) when she failed to disclose she was

