

IN THE DISTRICT COURT OF TULSA COUNTY
STATE OF OKLAHOMA

2012 AUG 28 AM 9:32
SALLY HOWE SMITH, COURT CLERK
STATE OF OKLA. TULSA COUNTY

THE STATE OF OKLAHOMA,

Plaintiff,

v.

CAROLIN REINSCHMIEDT,

Defendant.

CP-2012-3768
Case No. _____

DISTRICT COURT
FILED

AUG 28 2012

INFORMATION

In the name and by the authority of the State of Oklahoma:

SALLY HOWE SMITH, COURT CLERK
STATE OF OKLA. TULSA COUNTY

E. SCOTT PRUITT, Attorney General of Oklahoma, in and for the State and County aforesaid,
gives the court to know and be informed as follows:

COUNT I

CAROLIN REINSCHMIEDT, in Tulsa County, State of Oklahoma, on or about October 25, 2010, at and within the said County and State aforesaid, did then and there unlawfully, willfully, intentionally, knowingly, and feloniously commit the crime of **WORKERS' COMPENSATION FRAUD**, in violation of Title 21 O.S. § 1663 (C)(1), in the manner and form as follows, to-wit:

Said defendant, with the intent to deceive Frank J. Tomecek, M.D., and to injure, defraud, and deceive Sun Healthcare Group, Inc. *DBA* Woodland View Care & Rehabilitation Center , and Insurance Company of the State of Pennsylvania, with respect to a claim for payment or other workers' compensation benefits pursuant to a contract of insurance, did knowingly, intentionally and fraudulently make misstatements concerning facts material to her workers' compensation claim, specifically as follows:

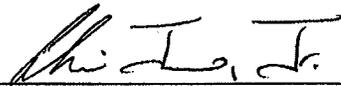
On July 02, 2010, the Defendant filed a Form 3 with the Workers' Compensation Count for benefits for an injury to her left shoulder, neck, and back which she alleged to have occurred on June 17, 2010, while working for Sun Healthcare Group, Inc. *DBA* Woodland View Care & Rehabilitation Center. On October 25, 2010, the Defendant was examined by Dr. Frank J. Tomecek. During said examination, the Defendant

misrepresented her physical abilities. She told Dr. Tomecek that she has unbearable pain and that she is unable to extend or laterally bend her lumbar spine and that her condition has not improved but has changed for the worse. The Defendant made these statements with the intent to deceive Dr. Tomecek, and defraud and deceive Sun Healthcare Group, Inc. DBA Woodland View Care & Rehabilitation Center, and Insurance Company of the State of Pennsylvania, when she then and there knew that the said statements were false, incomplete or misleading,

all of which is contrary to the law and the statutes, and the peace and dignity of the State of Oklahoma.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA

By:


ALVIN JONES, JR., OBA #20255
Assistant Attorney General
313 N.E. 21st Street
Oklahoma City, OK 73105
(405) 522-3407

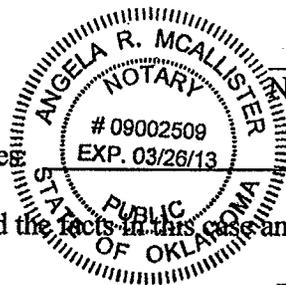
STATE OF OKLAHOMA)
)
COUNTY OF TULSA) ss.

I do solemnly swear that the statements and allegations set forth in the within information are true and correct to the best of my information and belief.

Alvin Jones, Jr.
ALVIN JONES, JR.
Assistant Attorney General

Signed and sworn to before me on the 15th day of August, 2012, by Alvin Jones, Jr.

(SEAL)



Angela R. McAllister
Notary Public

My Commission Expires

I have examined the facts in this case and recommend that a warrant do issue.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA

By: Alvin Jones, Jr.
ALVIN JONES, JR.
Assistant Attorney General

Penalties:

Count I: 21 O.S. 1663 - not more than 7 years and/or \$10,000

Witnesses:

Jason B. Nowell
Office of Attorney General
313 NE 21st Street
Oklahoma City, OK 73105

Frank J. Tomecek, M.D.
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Randall Hendricks, M.D.
Central States Orthopedic Specialists
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Logan Chatfield, Claims Adjuster
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Robert Tharp or Representative
Worker's Compensation Court
1915 N. Stiles
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Wonda Terry
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Vicki L. Jones, CSR
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Oklahoma City, OK 73103

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

2012 AUG 28 AM 9:33

THE STATE OF OKLAHOMA,)

CF-2012-3768

Plaintiff,)

Case No.: CF-2011

vs.)

DISTRICT COURT
FILED

CAROLIN REINSCHMIEDT,)

AUG 28 2012

DOB: 5-20-68, SSN: [REDACTED])

**AFFIDAVIT OF
PROBABLE CAUSE**

SALLY HOWE SMITH, COURT CLERK
STATE OF OKLA. TULSA COUNTY

Defendant.)

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

I, Jason Nowell, am employed as an investigator with the Workers' Compensation Fraud Unit in the Office of Attorney General. I was assigned to investigate an alleged case of workers' compensation fraud involving Carolin Reinschmiedt, Date of Birth: 5-20-68; Social Security Number: [REDACTED]. In the course of my investigation, I obtained and reviewed documents.

I obtained and reviewed a copy of a Form 3, Employee's First Notice of Accidental Injury and Claim for Compensation filed with Workers' Compensation Court on July 2, 2010. In that Form 3 Reinschmiedt indicated that she injured her left shoulder, neck, and back, on June 17, 2010, while carrying a combative resident who resisted her attempts to help him.

I received and reviewed the Reinschmiedt case file from Broadspire Services. I learned that Reinschmiedt was transported by EMSA to Saint Francis Hospital after she was injured. X-rays were taken of Reinschmiedt's left shoulder and indicated that she had no fractures or tears. Reinschmiedt's arm was put into a sling and she was prescribed muscle relaxers and pain medication. Reinschmiedt was seen by several physicians and considered TTD. Reinschmiedt received TTD payments from June 21, 2010 until January 31, 2011.

Reinschmiedt began seeing Dr. Randall Hendricks shortly after being released from the hospital. I received and reviewed medical records from the office of Dr. Hendricks. Reinschmiedt saw Dr. Hendricks on the following dates: June 25, 2010, July 14, 2010, August 4, 2010, August 16, 2010 and August 30, 2010. Reinschmiedt complained of "incomprehensible" pain. Dr. Hendricks ordered an MRI of the lumbar and an EMG and nerve conductive study. Dr. Hendricks released Reinschmiedt on August 30, 2010, after the testing came back normal.

A private investigative firm, Claims Research Services, was hired to observe Reinschmiedt. I have reviewed surveillance reports and the surveillance video obtained of Reinschmiedt on the following dates: September 16, 2010, and September 29, 2010. On the surveillance video Reinschmiedt is shopping with two small children, squatting down on a small deck while eating a meal, and manipulating a garage door by hand.

I received and reviewed medical records from Dr. Frank J. Tomecek. On October 25, 2010, Reinschmiedt was seen by Dr. Tomecek for an Independent Medical Evaluation. Reinschmiedt's chief complaints were low back, hip, and leg pain.

Reinschmiedt told Dr. Tomecek that her leg pain was a level 10 out of 10 with 10 being the worst pain. Reinschmiedt also told Dr. Tomecek that her pain has gotten progressively worse and is "beyond my worst imaginable pain". Reinschmiedt told Dr. Tomecek that "her hips feels like childbirth pain, as if they are being pulled apart."

Reinschmiedt told Dr. Tomecek that she had to move out of her upstairs apartment and that she had to move in with her son so he could take care of her. Reinschmiedt went on to tell Dr. Tomecek that her "pain is constant in nature, and she is unable to do any activities presently."

Reinschmiedt said she had stopped driving for a month now because of the pain. Reinschmiedt told Dr. Tomecek that "she is unable to do anything." Reinschmiedt also told Dr. Tomecek that "She mostly has to lie in bed with a heating pad on her back." Reinschmiedt went on to tell Dr. Tomecek that nothing is relieving her pain and her pain has become unbearable. Reinschmiedt told Dr. Tomecek that she had not gotten better since her injury and that she actually gotten worse.

Dr. Tomecek reviewed the surveillance video taken of Reinschmiedt and stated the following in his October 25, 2010, report:

"I have also had the opportunity of reviewing a surveillance video that was done on September 16 and 29 of this year. This video lasted for 9 minutes and 50 seconds. I observed the video in its entirety. It shows that she had excellent range of motion of her back. She flexed over 90 % to help get some children into the backseat of a two-door car. She was able to flex completely and squat and sit on a very small step on her doorstep while eating at home. She was able to carry and lift groceries and put them in and out of the car. She was able to get in and out of the car without any signs of pain or difficulty. She was able to bend forward and lift a garage door that weighed a significant amount and then put it back in place. I did not see any restriction or limitation in her motion or lifting based on the video. I did not see any facial grimacing. I should mention that she also sat in a casino for several hours and was able to sit at a slot machine and not have difficulty or pain."

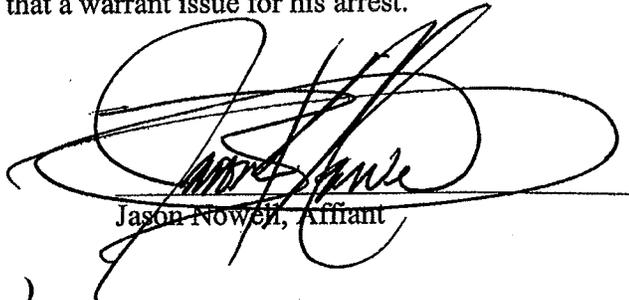
I received and reviewed medical records from Dr. Wonhong Min. On January 4, 2011, Reinschmiedt was seen by Dr. Min. Reinschmiedt characterized her pain as "constant daily pain which is severe and unrelenting." Reinschmiedt also said she had a "tremendous amount of pain constantly and she states she is never out of pain." Reinschmiedt told Dr. Min she "has a difficult time getting in and around her home" and she "spends a lot of her time in bed."

Dr. Min reviewed the surveillance video obtained of Reinschmiedt. Dr. Min stated that there are "several sequences of her getting in and out of her car." Dr. Min observed that Reinschmiedt had two small children with her and their were "sequences of 30 seconds or more where she is bent over at the waist without difficulty and no evidence of obvious splinting, grimacing, or other signs that she is having any discomfort."

Dr. Min stated "I still do not have an explanation for why the video surveillance shows that she does not have any outward evidence of pain and yet she tells me that even while they were shooting the video, she had severe pain. I have a hard time understanding how pain that can be so severe and unrelenting can be completely masked by any sort of willpower."

Dr. Min summarized his January 4, 2011, report by stating that "given the fact that the surveillance video shows her engaging in normal daily activities, I see no reason to put her on any kind of formal restrictions"

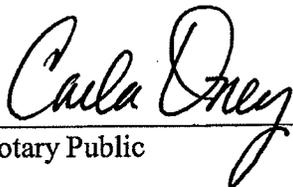
Based upon the above information, I believe that probable cause exists to show that Carolin Reinschmiedt committed the crime of Workers' Compensation Fraud in violation of 21 violation of 21 O.S. § 1663 C)(1). Therefore, I request that a warrant issue for his arrest.


Jason Nowell, Affiant

COUNTY OF OKLAHOMA)
STATE OF OKLAHOMA) SS:

This affidavit was subscribed and sworn to before me this 23rd day of August, 2012, by Jason Nowell.

(SEAL)


Notary Public

My commission Expires: 3-11-16



FINDING OF PROBABLE CAUSE

On the _____, day of _____, 2012, the above captioned case came before me, the undersigned Judge of the District Court of Tulsa County, Oklahoma, upon the Affidavit of Probable Cause of Jason Nowell, Investigator with the Office of Attorney General, requesting that a Warrant of Arrest issue for the within named Defendant, Carolin Reinschmeidt, that he might be arrested and held to answer for the offenses of Workers' Compensation Fraud. Based upon said Affidavit, I am satisfied and do hereby find that the offenses of Workers' Compensation Fraud had been committed, that there is probable cause to believe the within named Defendant has committed said offenses and that a Warrant of Arrest should issue.

Dated this _____ day of _____, 2012.

Judge of the District Court