

INFORMATION (FELONY)

CF-2012-1668



IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.

MAR 20 2012

STATE OF OKLAHOMA,)
Plaintiff,)
)
vs.)
)
WILLIAM EARL ALLENSWORTH,)
Defendant.)

PATRICIA PRESLEY, COURT CLERK
by _____ DEPUTY

INFORMATION

In the name and by the authority for the State of Oklahoma, comes now E. SCOTT PRUITT, the duly elected, qualified, and acting Attorney General of the State of Oklahoma, and on his official oath informs the District Court that:

COUNT 1: MEDICAID FRAUD [56 O.S. §1005(A)(1)]

On or between May 3, 2011 and November 1, 2011, in Oklahoma County, Oklahoma, Defendant WILLIAM EARL ALLENSWORTH committed the crime of MEDICAID FRAUD, a felony, in violation of Title 56 O.S. Section 1005(A)(1), by willfully and knowingly causing to be submitted to the Oklahoma Medicaid Program through its fiscal agent, false claims for payment in the aggregate amount of more than \$2,500.00 for Medicaid services not provided to A.B., C.B., A.H., R.H., Q.J., G.K., and L.T.

Medicaid Fraud is punishable by imprisonment not to exceed three years, or a fine of not more than three times the amount of payments illegally claimed or received or \$10,000.00, whichever is greater, or by both such imprisonment and fine.

COUNT 2: MEDICAID FRAUD [56 O.S. §1005(A)(7)]

On or between May 22, 2011 and December 6, 2011, in Oklahoma County, Oklahoma, Defendant WILLIAM EARL ALLENSWORTH committed the crime of MEDICAID FRAUD, a felony, in violation of Title 56 O.S. Section 1005(A)(7), by willfully and knowingly failing to maintain records for Q.J., G.K., and L.T. after having submitted a claim for or received payment for a service under the Oklahoma Medicaid Program.

Medicaid Fraud is punishable by imprisonment not to exceed three years, or a fine of \$10,000.00, or by both such imprisonment and fine.

All in violation of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma.

Dated this 20 day of March, 2012.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA

BY: *Lory Dewey*
LORY DEWEY, OBA# 19540
Assistant Attorney General
313 NE 21st Street
Oklahoma City, OK 73105
(405) 521-3921

State of Oklahoma)
County of Oklahoma) ss.

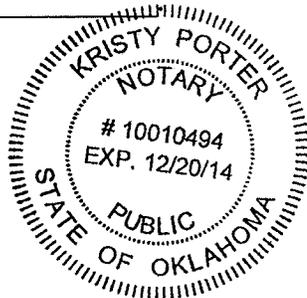
I, David Williams, being duly sworn upon oath, state that I have read the above and foregoing Information and know the contents thereof, and that the facts stated herein are true.

David Williams
Investigator
Medicaid Fraud Control Unit

Subscribed and sworn to before me this 20 day of March, 2012.

Kristy Porter
Notary Public

My Commission Expires: 12-20-14



Witnesses for the State of Oklahoma:

Connie Bert, 4807 Kristie Dr., Apt. 56, Midwest City, OK 73115-4832

Camika Fowler, 405 Tinker Diagonal ST., Oklahoma City, OK 73129

Sherlyn Green, 4321 Meadowpark Dr., Midwest City, OK 73110-7024

Lillie Holmes, 10705 N. Western, Apt. E, Oklahoma City, OK 73114-5821

G.K. c/o William Kennedy

William Kennedy, 103 Kathleen Dr., Midwest City, OK 73110-7764

Che're Denmark, 2013 NE 20th ST., Oklahoma City, OK 73111-1612

Joseph Dismuke, 2000 NE Grand Blvd., Oklahoma City, OK 73111-1828

Alexandra Quiosay, 3313 San Juan Trl., Moore, OK 73160-2160

Susan Lowrey, Behavioral Health Audit Specialist, Program Integrity Unit, Oklahoma Health Care Authority, 2401 NW 23rd ST., Ste. 1A, Oklahoma City, OK 73107-2423

Richard Pierson, Executive Director, Oklahoma State Board of Licensed Alcohol and Drug Counselors, P.O. Box 54388, Oklahoma City, OK 73154-0817

Paula Printup-Porter, Senior Systems Analyst, Program Integrity Unit, Oklahoma Health Care Authority, 2401 NW 23rd ST., Ste. 1A, Oklahoma City, OK 73107-2423

Beth VanHorn, Legal Operations Director, Oklahoma Health Care Authority, 2401 NW 23rd ST., Oklahoma City, OK 73107-2423

David Williams, Medicaid Fraud Control Unit, Oklahoma Attorney General's Office, 313 NE 21st ST., Oklahoma City, OK 73105-3207

NOTICE OF OPEN PROSECUTION RECORD

COMES NOW the State of Oklahoma and hereby gives Notice to the Defendant and counsel that pursuant to 22 O.S. §258, all law enforcement reports in the possession of the Attorney General are available for inspection in the Office of the Attorney General during normal business hours and upon reasonable notice to the assigned Assistant Attorney General.

STATE OF OKLAHOMA)
) SS.
COUNTY OF OKLAHOMA)

**AFFIDAVIT OF PROBABLE CAUSE
FOR ARREST WARRANT FOR**

WILLIAM EARL ALLENSWORTH

§56 -1005. A.1

**MAKE OR CAUSE TO BE MADE A CLAIM, KNOWING THE CLAIM TO
BE FALSE, IN WHOLE OR IN PART, BY COMMISSION OR OMISSION.**

§56 -1005. A.7

**ALL PROVIDERS SUBJECT TO THE OKLAHOMA MEDICAID
PROGRAM ARE REQUIRED TO MAINTAIN AT THEIR OR ITS
PRINCIPAL PLACE OF MEDICAID BUSINESS ALL SUCH RECORDS
AT LEAST FOR A PERIOD OF SIX (6) YEARS FROM THE DATE OF
CLAIMED PROVISION OF ANY GOODS OR SERVICES TO ANY
MEDICAID RECIPIENT.**

David Williams, being of lawful age and after having affirmed upon his oath to tell the truth, states as follows:

I am a certified Peace officer in Oklahoma, currently employed as an Investigator in the Oklahoma Attorney General's Office, Medicaid Fraud Control Unit. My duties include investigating allegations of fraud and abuse by providers and facilities receiving Medicaid funds.

On September 30, 2011 your affiant was assigned to investigate possible Medicaid Fraud by William Earl Allensworth, Licensed Alcohol and Drug Counselor (LADC) under supervision, and owner of Positive Solutions Youth and Family Services L.L.C. located at 351 N. Air Depot Blvd, Midwest City, OK 73110.

Positive Solutions is contracted with the Oklahoma Health Care Authority (OHCA) to provide counseling services to Medicaid recipients. The OHCA is the single state agency in Oklahoma responsible for administering Medicaid funds to providers of health

care services. William Allensworth is the owner of Positive Solutions and is responsible for any billing submitted to the OHCA. When the OHCA makes payments to Positive Solutions the funds are directly deposited into an account that Allensworth oversees.

The Medicaid Fraud Control Unit (MFCU) received a complaint from Alexandra Quiosay, LADC under supervision and a former employee of Positive Solutions Youth and Family Services LLC, she stated in her complaint that she turns in her progress notes to Allensworth after each session. She suspected William Allensworth was committing Medicaid Fraud with her clients.

Behavioral health counseling services are provided in accordance with an initial assessment and the development of a treatment plan. The treatment plan includes the clients diagnosis and determines the appropriate treatment modality for them going forward. Counseling sessions are documented for treatment and billing purposes in a progress note. Progress notes are a chronological written description of services provided to a client that documents the client's response related to the intervention plan or services provided. Progress notes are maintained by the counseling agency and must include the clinician's name, date of service, and session start and stop time. Payment is rendered from the OHCA to the provider for completed work by way of the claim process. The OHCA maintains a database of all provider claims submitted for payment. The OHCA can summarize a provider's billing history in a provider report.

Your affiant received a provider report listing the billing by Positive Solutions Youth and Family Services LLC. for the following clients of Alexandra Quiosay: G. K., A. H., R. H., A. B., C. B., L. T., and Q. J.

On October 5, 2011 your affiant completed a subpoena and personally served it to Joseph Dismuke, Director of Operations of Positive Solutions Youth and Family Services L.L.C. located at 351 N. Air Depot #S, Midwest City, OK 73110. The subpoena requested complete copies of client files for G.K., A.H., A.B., Q.J., R.H., C.B., and L.T.

Your affiant reviewed the billing information provided by OHCA and compared it with the progress notes provided by Positive Solutions Youth and Family Services L.L.C. A spread sheet was prepared based upon the OHCA provider report, the rendering clinician, and the times and days of the week the sessions were provided to each of the seven clients listed above as recorded and

reflected in each individual progress note.

Each client and their parent or guardian reviewed the spread sheet for their account and made notations indicating when counseling did not occur by William Allensworth.

Connie Bert, who is the mother of C. B. and A. B., initialed several dates on the spread sheet that did not occur as billed. The total billed by William Allensworth for behavioral counseling for A.B. that Connie Bert indicated did not take place is \$1,629.44. The total for C. B. is \$1,594.20.

Sheryln Green is the mother of R. H. and A. H. Green made two notations one for A. H. on 9/18/11. The second notation was for R. H. on 9/18/11. Green said the counseling did not occur by William Allensworth on those dates. The total billed for behavioral counseling that did not take place for R. H. and A.H. is \$69.60.

Lillie Holmes, mother of Q. J., said all of the counseling that was on Sunday did not occur by William Allensworth. Holmes initialed five days on the spread sheet indicating the counseling session did not occur. The total billed for behavioral counseling that did not take place for Q. J. is \$515.40.

William Kennedy, father of G. K., was asked to review the spread sheets for G. K. William Kennedy initialed several dates on the spread sheet that did not occur as billed by William Allensworth. G.K. stated that he has never received counseling from William Allensworth at any time. The total billed for behavioral counseling for G. K. that William Kennedy indicated did not take place is \$1,563.36.

Camika Fowler is the Mother of L. T. Fowler made several notations including all dates that indicated William Allensworth was the counselor. Fowler said the counseling did not occur on those dates. L. T. agreed with Camika Fowler, the counseling that was billed for did not occur. L.T. stated that he has never received counseling from William Allensworth at any time. The total billed for behavioral counseling that did not take place for L. T. is \$2,378.64

All Oklahoma Medicaid Program providers are required to maintain all records relating to services provided to Medicaid recipients for a period of at least six years from the date of service. Several progress notes were not provided as requested. Joseph Dismuke,

Office manager for Positive Solutions Youth and Family Services LLC, stated they did not have the documents.

I request, upon probable cause, the court issue a warrant for the arrest of William Earl Allensworth on the charges of §56 -1005.A.1 Make or cause to be made a claim, knowing the claim to be false, in whole or in part, by commission or omission and §56 -1005. A. 7. All providers subject to the Oklahoma Medicaid program are required to maintain at their or its principal place of Medicaid business all such records at least for a period of six (6) years from the date of claimed provision of any goods or services to any Medicaid recipient.

Further, your affiant sayeth not.

David Williams
David Williams

Subscribed and affirmed before me this 20 Day of March
Two Thousand Twelve.

Kristy Porter
Kristy Porter

My commission expires:

12-20-14

