



**COMMONWEALTH OF VIRGINIA
V. RICHARD C. WAGONER, JR.**

If you suspect that Medicaid fraud or elder abuse and neglect has occurred in a Medicaid facility or has been committed by someone working for a Medicaid provider, immediately contact Adult Protective Services and your local police department. Then, report the incident to the Medicaid Fraud Control Unit (MFCU) of the Office of the Virginia Attorney General at
**1-800-371-0824 or
1-804-371-0779**

This was MFCU's first trial and conviction of a case involving abuse and neglect of an incapacitated adult resulting in death. Richard C. Wagoner, Jr. was found guilty by a Martinsville jury of abuse or neglect of 57-year-old Joe Tuggle who lived in an adult group home in Martinsville that was owned by Mr. Wagoner. Mr. Tuggle was an intellectually disabled adult suffering from Parkinson's disease. After Mr. Tuggle experienced an unfortunate episode of incontinence in the group home, his direct caregivers placed him in a bathroom while they proceeded to clean the affected area of the house, during which time Mr. Tuggle found himself in a bathtub under a running faucet of scalding hot water. According to testimony, Mr. Tuggle died ten days after he was scalded in the bathtub and suffered second and third degree

burns on 25-30 percent of his body. Mr. Tuggle was treated at the home. The treatment included application of cold compresses, ointment and first aid cream. Mr. Tuggle's autopsy showed that he died from sepsis and pneumonia secondary to thermal injury. Prosecutors were able to show that Mr. Tuggle died because he did not receive medical care for the burn injuries. Early in the trial, staff members testified that they had placed Mr. Tuggle in a van to transport him to the hospital but that Mr. Wagoner said that he wanted to see Mr. Tuggle first and had him returned to the group home. Then, according to staff members, Mr. Wagoner decided that Mr. Tuggle would be treated at the home and not transported to the hospital.

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THE OUTCOME

Prosecutors David Tooker and Kevin Nunnally argued this case on behalf of the Commonwealth. The trial lasted four days and then went to the jury. It took the jury a little more than three hours to find Richard Wagoner guilty of abuse or neglect of an incapacitated man that resulted in the man's death in violation of Va Code

Ann. § 18.2-369. The jury recommended that Wagoner be sentenced to five years' incarceration. Violations of § 18.2-369 that result in death are Class 3 felonies, punishable by up to 20 years in prison. The Judge sentenced Wagoner to the five year term of imprisonment recommended by the jury,

but then suspended the five year term upon the following conditions: one year supervised probation, and upon completion of probation, ten years good behavior. Wagoner has appealed the conviction. The Office of the Attorney General will vigorously defend the verdict on appeal.





(l-r) Captain Steve Duke, Norfolk Sheriff's Office; Master Officer Alan McDowell, Jr., James City County Police Department; Vicky Thomas, Chairperson, Peninsula S.A.L.T. Council, Williamsburg- James City County Sheriff's Office; Sheriff Robert J. Deeds, Williamsburg-James City County; Attorney General Cuccinelli; Chief Cliff Bowen, Poquoson Police Department; Sheriff Danny Diggs, York-Poquoson; and Sergeant Rodney Caison, Hampton Police Department, attending the 2012 Senior Safety Summit at Northside Christian Church in Yorktown. Attorney General Cuccinelli spoke about MFCU and our Elder Abuse & Neglect Squad.

The Commonwealth From Corner to Corner

The Virginia MFCU's Community Outreach Coordinators will soon be coming to a church, club or civic group near you! Here's a partial schedule of the upcoming presentations on Medicaid Fraud and Elder Abuse & Neglect:



Virginia Attorney General Kenneth T. Cuccinelli, II

The men and women of the Unit risk their lives to protect the Virginia Medicaid Program by convicting criminals who commit fraud against the program. They have also found a way to make criminals pay for the state share of their budget. I think the Medicaid Fraud Control Unit is one of the greatest success stories of the Commonwealth.

January 8 Henrico County TRIAD Meeting, 9:00 a.m.,
Public Safety Training Center
7701 East Parham Road
Richmond, VA

January 10 Ashland/Hanover TRIAD Meeting, 1:30 p.m.,
Ashland Police Department
601 England Street
Ashland, VA

January 17 Chesterfield County TRIAD Meeting
9:00 a.m., Police Support Services, 2730 Hicks Road
Chesterfield, VA

January 28 Prince George County TRIAD Meeting
1:00 p.m., Prince George Library, 65402 Courthouse Road
Prince George, VA



Mickey Mixon greeting TRIAD Chairman Officer Travis Akins (L) and former TRIAD Chairman Don Thorne (R) of the Roanoke Valley TRIAD.

February 26 Warsaw -Richmond County TRIAD Meeting, 9:30 a.m.,
Rappahannock Church of Christ, 9514 Richmond Road
Warsaw, VA 22572

Request a presentation on Medicaid Fraud for your church, club or civic group. Contact Randy Davis (Eastern Virginia) at 804-786-7750 or Mickey Mixon (Western Virginia) at 540-562-3571 today.



Senior Virginia! Deserve Quality Care!

Elder Abuse and Neglect Squad

800-371-0824

Office of the Attorney General
Attention: Elder Abuse & Neglect Squad
500 East Main Street
Richmond, VA 23219

MFCU_mediablog@oag.state.va.us
ag.virginia.gov
Facebook.com/VAMFCU

Created in 2009 as part of the Medicaid Fraud Control Unit, Attorney General Ken Cuccinelli's Elder Abuse & Neglect Squad investigates and prosecutes cases of patient abuse and neglect wherever Medicaid services are being given. The Squad's goal is to make sure Virginia's Medicaid patients get the highest quality of care possible in their own homes, a nursing home or assisted living facility.

Signs of Elder Abuse and Neglect

- Sudden, unexplained changes in care
- Fractures, abrasions, sores, or bruising, often to back or ribs
- Absence of others
- Disorientation or memory loss
- Inappropriate or inappropriate clothing
- Malnutrition
- Lack of needed supervision
- Unexplained medical condition
- Lack of needed dentures, glasses, hearing aids or medication

Should a well & needs visit today? **Remember!** It's not just Medicaid it's you!

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Order Materials for Your Community.

Contact us at MFCU_mail@oag.state.va.us or by telephone, 1-800-371-0824, to order brochures, tip cards for first responders, elder abuse and neglect flyers.

What if you suspect fraud by a Medicaid Recipient?

What can you do if you suspect fraud by a Medicaid recipient?

Please contact the Department of Medical Assistance Services (DMAS).

Recipient fraud may include:

- the deliberate failure to report income or to disclose resources
- unreported change in household member composition
- uncompensated asset transfer
- Medicaid card sharing, prescription fraud and drug Diversion

Non-fraud examples are:

- eligibility errors due to recipient misunderstanding
- agency errors
- when Medicaid-covered services continue during the appeal process and the agency’s cancellation action is upheld
- when the investigation confirms that an individual received Medicaid services fraudulently, the claims paid on the recipient’s behalf are determined and the overpayment amount is identified. Recipient fraud cases may be prosecuted by the local Commonwealth’s Attorney’s Office or in Federal court when joint investigations are involved.

The MFCU is statutorily prohibited from investigating Medicaid recipient fraud.

To report recipient fraud, contact DMAS:

By telephone:
1-866-486-1971 or
(804) 786-1066

By mail:
Department of Medical Assistance Services
Recipient Audit Unit
600 East Broad Street
Suite 1300
Richmond, Virginia 23219

By e-mail: MFCU_mail@oag.state.va.us



www.twitter.com/VaMFCU



“Like” Our Facebook Page and Follow Us On Twitter

Check out the new Virginia Medicaid Fraud Control Unit’s Facebook page today at www.facebook.com/VAMFCU to keep up with the latest news on Medicaid Fraud from across the Commonwealth and the nation. While there, you can also access detailed information about MFCU, including our mission, awards, and contact information. View and download photos of our recent visits to community organizations. Watch videos and check our calendar of events for upcoming presentations in your area. And, don’t forget to click the “like” button if you want to join our list of friends. You may follow us on Twitter at www.twitter.com/VaMFCU.



VIRGINIA ATTORNEY GENERAL'S

Medicaid Fraud Control Unit Elder Abuse and Neglect Squad

We are on the web:
www.ag.virginia.gov

900 East Main Street
Richmond, VA 23219

Phone: 1-800-371-0824
or 1-804-371-0779

Fax: 1-804-786-3509

E-mail:

MFCU_mail@oag.state.va.us

For more information, additional copies, or to be placed on our distribution list to receive quarterly copies of this newsletter, please contact:

Esther Welch Anderson
Administrative, Training and Outreach Manager

Medicaid Fraud Control Unit
Virginia Attorney General's Office

900 East Main Street
Richmond, VA 23219

1-800-371-0824
or 1-804-692-0519



VIRGINIA OFFICE OF THE ATTORNEY GENERAL