

# Virginia Attorney General's Office Medicaid Fraud Control Unit

## ELDER ABUSE AND NEGLECT CASE

This case was referred to the MFCU from the Martinsville Police Department. The victim, was a 57 year old adult suffering from Parkinson's disease and other disorders who was receiving care in a group home operated by the Clay Corporation. On February 8, 2011, the victim experienced an episode of incontinence at the group home. While his caretakers proceeded to clean the affected area of the house, the victim was severely burned by scalding water from a running faucet or shower head. The victim was found partially submerged and severely burned on his legs, back, face and arm. The victim's caregivers placed him in a van intending to transport the victim to the hospital. Before the victim could arrive at the hospital, Richard Wagoner (owner of Clay Corporation) ordered the van to turn around and return the victim to the group home, and that the victim be treated for his injuries there. Ten days later, the victim died from complications resulting from lack of proper medical treatment for his severe burns.

### Case Outcome

On May 4, 2012, Wagoner was convicted of Neglect of an Incapacitated Adult Resulting in Death in violation of Va. Code §18.2-369. On October 18, 2012 Richard Wagoner was sentenced in Martinsville Circuit Court to five years incarceration with all five years suspended for a period of ten years and one year of supervised probation.



### Appeal

On April 8, 2014, the Court of Appeals of Virginia (CAV) issued an opinion affirming Wagoner's convictions. On appeal Wagoner asserted (1) that the trial court applied the wrong decisional standard in denying his motion to set aside the jury verdict; (2) that the evidence was insufficient to support a finding that his conduct was a proximate cause of the victim's death; and (3) that the evidence was insufficient to establish that he committed a willful act with knowledge and consciousness that injury or death would result to the victim. The CAV rejected these claims holding that the trial court properly applied the law and the evidence in convicting Wagoner. On May 8, 2014, the CAV denied Wagoner's petition for Rehearing En Banc.

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 law enforcement office. 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

### INSIDE THIS ISSUE:

CASE: ELDER ABUSE AND NEGLECT CASE	1
THE COMMONWEALTH FROM CORNER TO CORNER	2
WHAT IF YOU SUSPECT FRAUD BY A MEDICAID RECIPIENT	3
ORDER MATERIALS FOR YOUR COMMUNITY	4
CONTACT INFORMATION	4-5
WANT TO BE PLACED ON OUR DISTRIBUTION LIST?	5

# VIRGINIA ATTORNEY GENERAL'S OFFICE MEDICAID FRAUD CONTROL UNIT

## The Commonwealth From Corner to Corner

Here's a partial schedule of the upcoming presentations on Medicaid Fraud and Elder Abuse & Neglect. For a full list of community outreach events, please visit us at [www.oag.state.va.us](http://www.oag.state.va.us).

- June 5**                    **Great Bridge Seniors Club**  
10:30 a.m.                Great Bridge United Methodist Church  
201 Stadium Drive, Chesapeake, VA
- June 12**                   **Newport News TRIAD Senior Expo**  
10:00 a.m.                Northampton Community Center  
1435-A Todds Lane, Hampton, VA
- June 19**                   **Chimes, Inc.**  
12:00 noon                3951 Pender Drive, Suite 120  
Fairfax, VA
- June 27**                   **Warsaw-Richmond County TRIAD 2nd Annual Health and Safety Fair**  
11:00 a.m.                Northern Neck Technical Center  
2:30 p.m.                13946 Historyland Highway  
Warsaw, VA



*Virginia Attorney General  
Mark R. Herring*

**The Virginia MFCU's  
Community Outreach  
Coordinators will soon  
be coming to a  
congregation, club or  
civic group near you!**



*Randy Davis, MFCU's Eastern Virginia Community Outreach Coordinator, and Debbie Bell, Western Virginia Community Outreach Coordinator exhibit in Campbell County.*

- July 31**                    **Salem Department of Parks and Recreation Meeting**  
12:00 noon                Salem Senior Center  
110 Union Street, Salem, VA
- August 28**                **Chesterfield Council on Aging Meeting**  
9:00 a.m.                Lucy Corr Village  
6800 Lucy Corr Boulevard, Chesterfield, VA
- September 4**            **Charlottesville AARP Chapter #192 Meeting**  
11:00 a.m.                Elks Lodge  
389 Elk Drive, Charlottesville, VA  
6800 Lucy Corr Boulevard, Chesterfield, VA

# What 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.*



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



## *Learn More and Connect with Us on Social Media*

Check out the new Virginia Medicaid Fraud Control Unit's Facebook page today at [www.facebook.com/VAMFCU](http://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 also follow us on Twitter at [www.twitter.com/VaMFCU](http://www.twitter.com/VaMFCU), and Pinterest at [www.pinterest.com/VAMFCU](http://www.pinterest.com/VAMFCU)



# OFFICE OF THE ATTORNEY GENERAL OF VIRGINIA

## Medicaid Fraud Control Unit Elder Abuse and Neglect Squad

Created in 2008 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 dollars are being spent. 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**

- Abuse, with, or without, bruises, cuts, and
- Painful, abrasions, sores
- Malnourished, thin or bed-ridden
- Absence of vision
- Inappropriate or inadequate clothing
- Medication not
- Lack of needed supervision
- Unusual medical condition
- Lack of needed dentures, glasses, hearing aids or medication

Office of the Attorney General  
Attention: Elder Abuse & Neglect Squad  
900 East Main Street  
Richmond, VA 23219  
MFCU\_mail@oag.state.va.us  
oag.virginia.gov  
Facebook.com/VAMFCU

### 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.



**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**

**Also, find us at <http://tinyurl.com/VAMFCU>**

**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 Manager  
Medicaid Fraud Control Unit  
Office of the Attorney General of Virginia  
900 East Main Street  
Richmond, VA 23219  
1-800-371-0824  
or 1-804-692-0519  
ewelch@oag.state.va.us**

**If you would like to request a presentation on Medicaid Fraud or Elder Abuse and Neglect for your congregation, club or civic group, please contact Randy Davis at 804-786-7750 or Debbie Bell at 540-526-3571 today.**

