

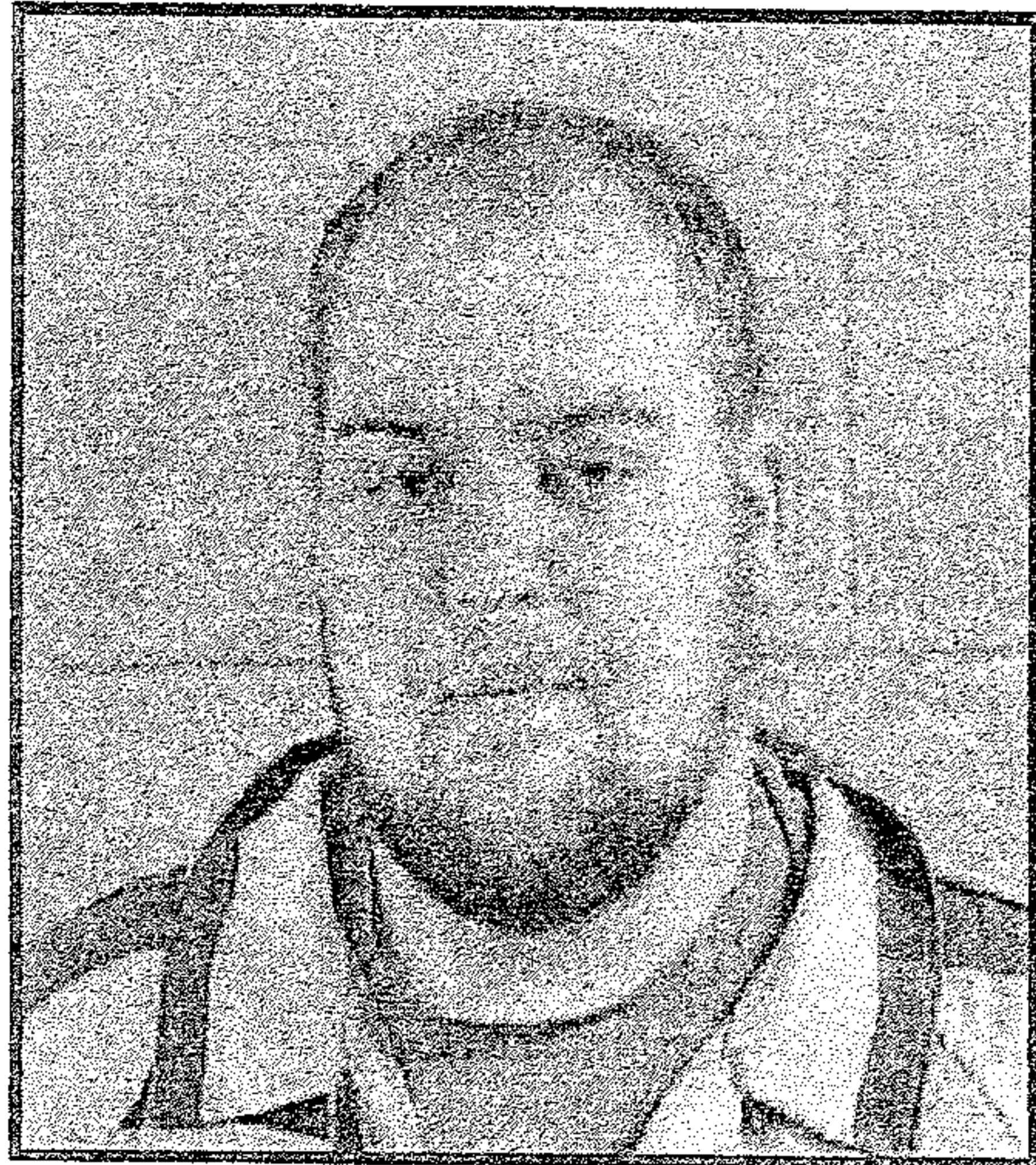
The Daily Edition

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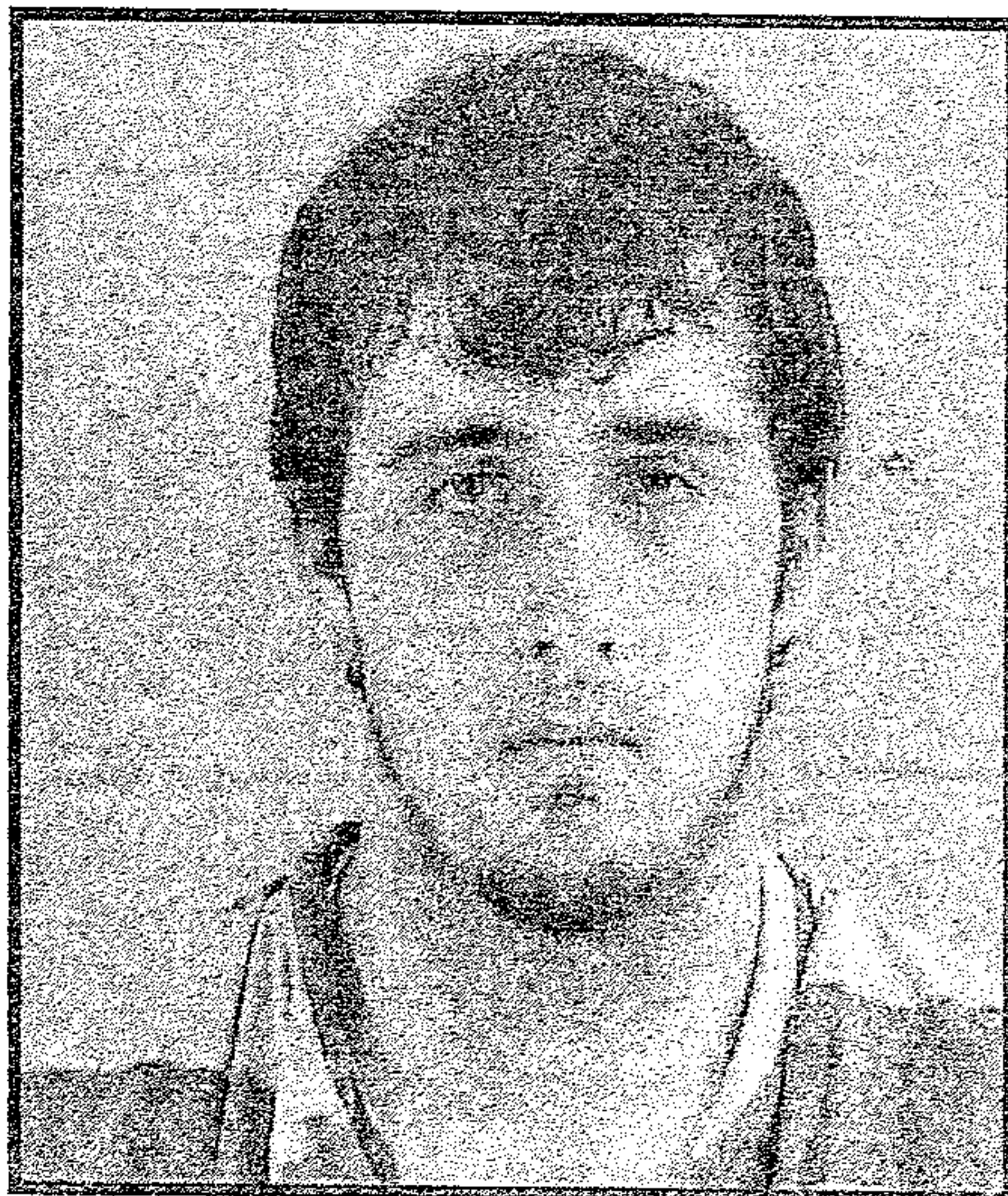
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Thursday/Friday, October 27-28, 2016

Two charged with reckless burning and arson following blaze



Jesse Key
(see arson pg. 2)



Austin Moats

Life Care Centers of America, Inc. agrees to pay \$145 million to resolve false claims act allegations relating to the provision of medically unnecessary rehabilitation care

Cleveland, Tennessee-based Life Care Centers of America, Inc. (Life Care) and its owner, Forrest L. Preston, have agreed to pay \$145 million to resolve a government lawsuit alleging that Life Care violated the False Claims Act by knowingly causing skilled nursing facilities (SNFs) to submit false claims to Medicare and TRICARE for rehabilitation therapy services that were not reasonable, necessary, and/or skilled, the Department of Justice announced today. This resolution is the largest settlement with a skilled nursing facility chain in the Department's history, and the largest

see Life Care pg. 5

Former Walgreen's clinical pharmacy manager pleads guilty to \$4.4 million TennCare fraud scheme

On Oct. 25, 2016, Amber Reilly, 33, of Jonesborough, Tenn., pleaded guilty to one count of healthcare fraud contained in a federal information, before the Honorable J. Ronnie Greer, U.S. District Judge. Reilly was the former Clinical Pharmacy Manager at the Walgreens Specialty Pharmacy located in the Holston Valley Hospital in Kingsport, Tenn.

Sentencing has been set for Jan. 30, 2017. Reilly faces a potential sentence of up to 10 years in prison, a fine of up to \$250,000, and supervised release of up to three years.

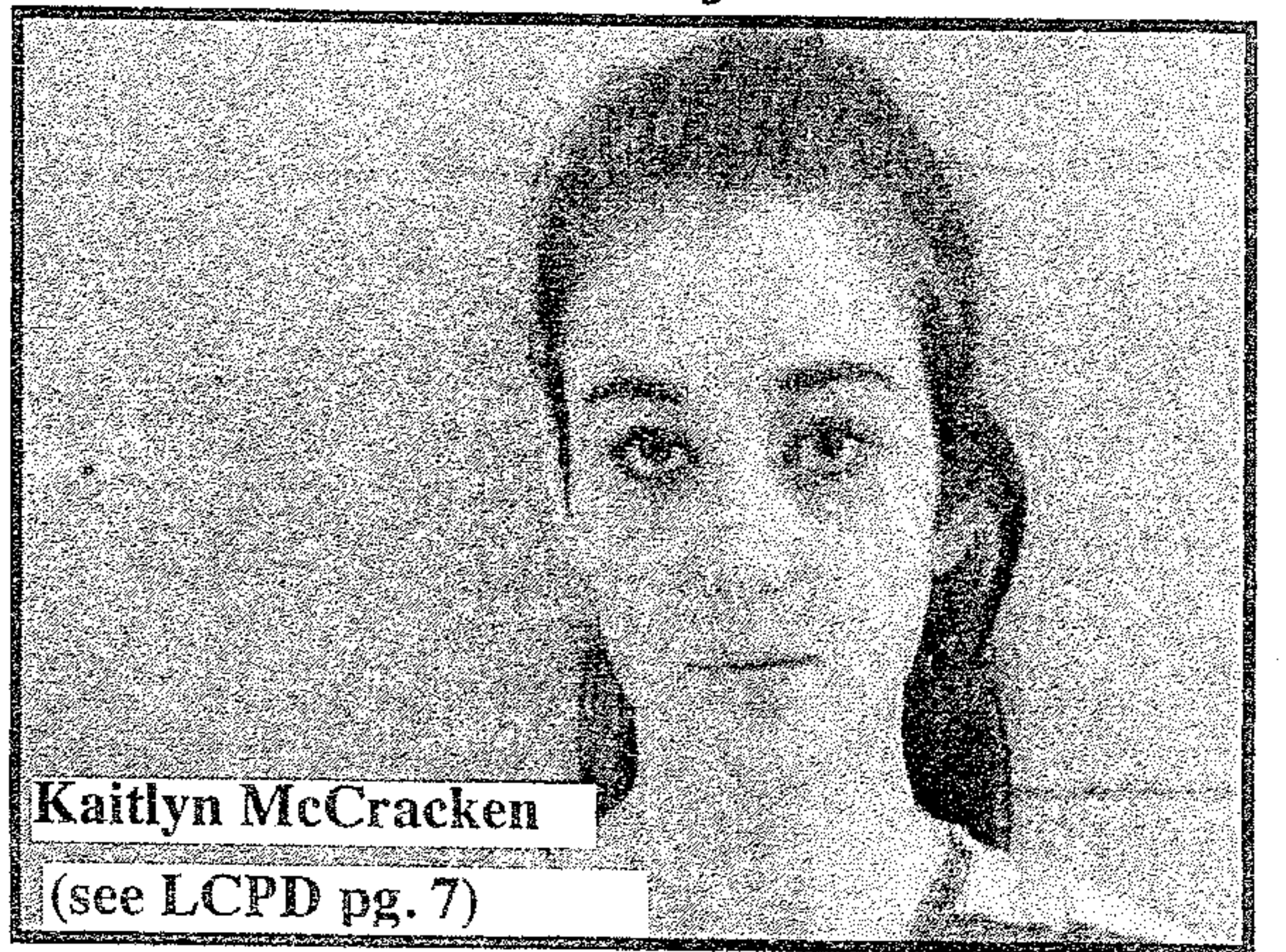
In a detailed plea agreement on see fraud pg. 4

Woman enters man home found passed out on couch

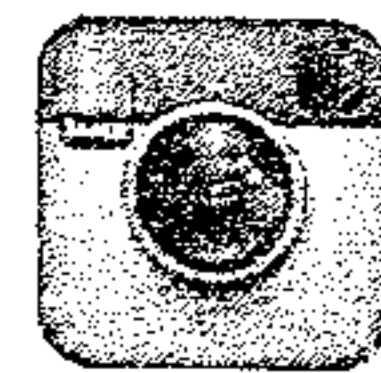


Dana Kiser Frye (see trespass pg. 4)

Woman uses stolen credit card nabbed by LCPD



Kaitlyn McCracken
(see LCPD pg. 7)



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Verse of the Day

Let us not give up meeting together, as some are in the habit of doing, but let us encourage one another — and all the more as you see the Day approaching. — Hebrews 10:25

Obituaries

see inside Wazzup

Have a safe weekend! Law enforcement will be out in force this weekend to ensure the safety of everyone during the trick or treat times. Many church-

es and groups are having gathering so drive safely!

Weather

Today: Cloudy early with partial sunshine expected late. Slight chance of a rain shower. High 79F. Tonight: Some clouds early will give way to

generally clear conditions overnight. Low 54F. Friday: Mainly sunny High 78F. Friday Night: Clear. Low 53F. Saturday: Sunny skies High 81F.

(Continued on page 6)

Arson

Jesse Key, 18, Webster Court Loudon, was charged with Arson, and Reckless Burning x2.

Austin Moats, 18, Clear Branch Road Loudon was charged with Arson.

Corporal Rondel M. Branam, was dispatched to a possible fire on Watts Cemetery Road. Upon ar-

rival Deputy did see a large fire off in a field across from Watts Cemetery Road. When Deputy arrived he observed approximately 100 four foot by five foot round bales of hay on fire.

There was no one around the fire at the time of his arrival. Members of the Loudon County Fire Rescue, and Philadelphia Fire Department arrived on scene

and did attempt to extinguish the flames. They were unable to extinguish the flames but did saturate the surrounding area to keep the flames from spreading. The hay bales were stacked near a fence that surrounded two differ-

ent cell phone towers. It is unknown if there area any cameras at the cell tower site. The total amount of loss is approximately \$3000.00. It is unknown when or how the fire was set. After an investigation Jesse Key and Austin Moats were charged.

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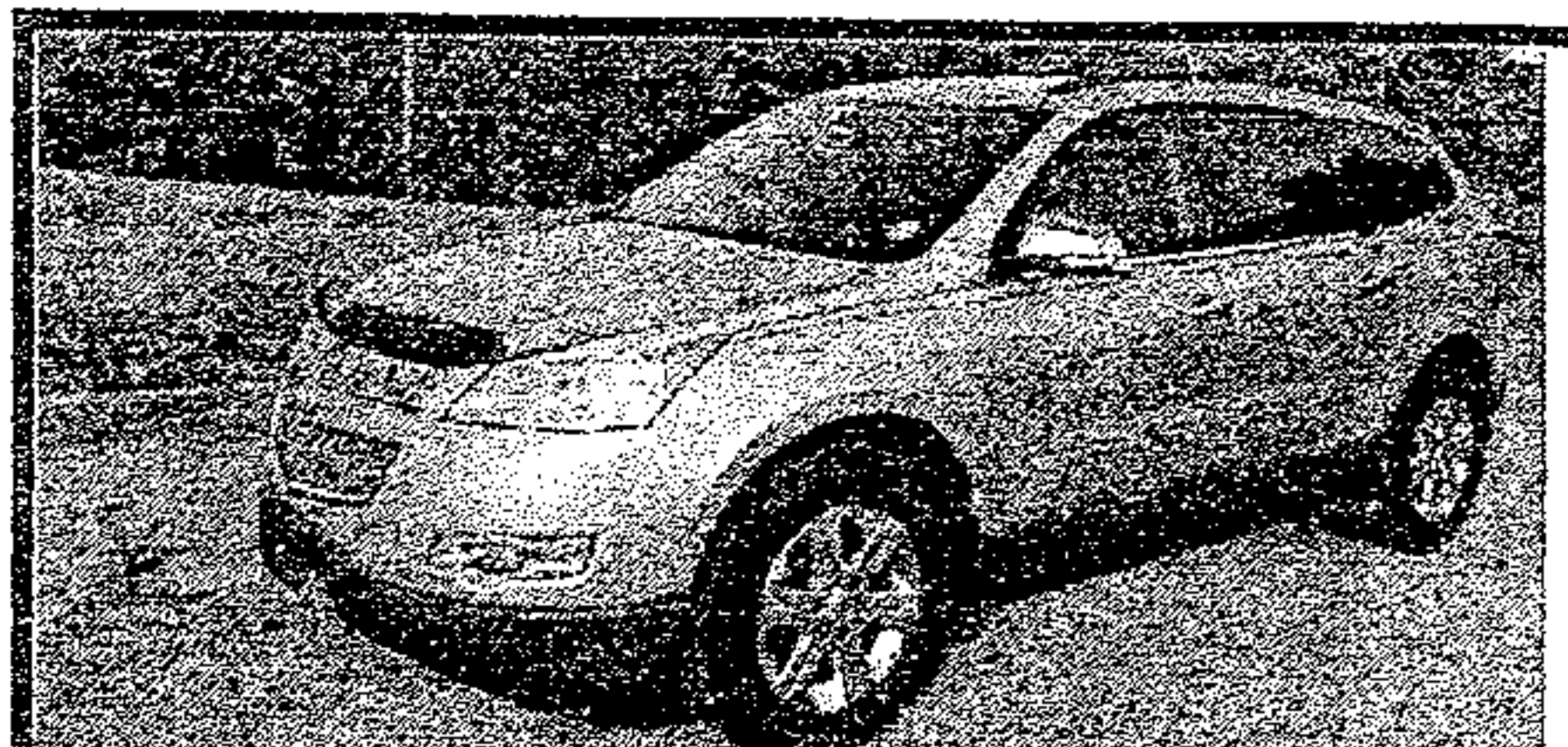
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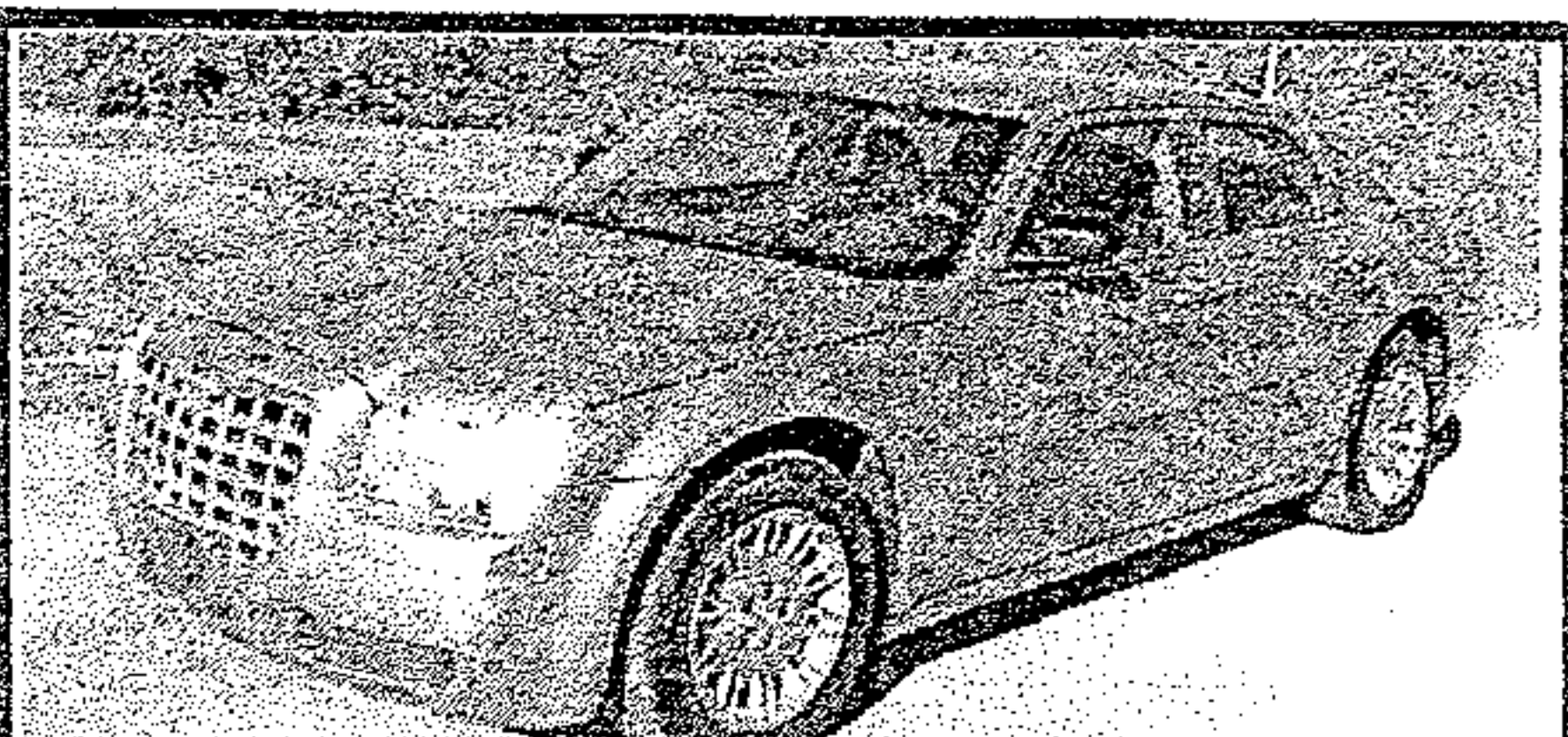
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trespassing

Dana Frye Kiser, 48, Vale Street Loudon, was charged with Aggravated Criminal Trespassing, and Contraband in a Penal Institution.

Deputy Bobby Hamilton LCSO, did respond to Dewitt Dr. to a call of a intoxicated woman that tried to force her way into a vehicle on Dewitt Dr.

When Deputy arrived he talked with the victim and she stated the following to Deputy. That she was returning home and had pulled up to her mailbox at Dewitt Dr. and was checking her mail when a brown headed woman in her forties wearing a yellow shirt and blue jeans opened her rear passenger door and was attempting to get into the victims vehicle.

Victim drove away and the woman then fell out of vehicle. Victim stated the woman seemed to be very intoxicated on something and the woman walked North on Ford Rd. towards a residence.

While Deputy was searching the area for the woman he was dispatched to Ford Rd. to a home to a call of a strange woman that had entered his home and was passed out on

his couch. When Deputy arrived he identified the woman as Dana Ann Kiser Frye. Dana was passed out on the couch holding one of victim oxygen tanks. Victim stated she had went through his closet in his living room but he could not see anything missing. She also fit the description of the intoxicated woman that entered first victim vehicle at Dewitt Dr.

Deputy did place the defendant under arrest. When the defendant was searched at the jail she had two and one quarter alprazolam 2mg. in a plastic baggy in the front of her pants. This did happen in Loudon Co. Tn.

fraud

file with the U.S District Court, Reilly admitted that between October 2014 and April 2016, she falsified prior authorizations, medical lab reports, and drug test results for at least 51 Hepatitis C patients who had prescriptions for the expensive Hepatitis C drugs of Sovaldi®, Harvoni®, Viekira Pak®, or Daklinza®. These patients had health insurance through TennCare, which does not pay for

Hepatitis C prescriptions for patients who abuse illicit substances or who have limited or no scarring of the liver. The patient's authentic medical lab reports and drug tests showed that they failed to meet TennCare eligibility requirements. However, Reilly admitted to replacing disqualifying information regarding levels of liver scarring and illicit substance abuse on the authentic records with qualifying information, and then submitting the altered records to TennCare. She also admitted to

fabricating allergies on the prior authorization forms of some of these patients so they could receive the most expensive Hepatitis C drug, Harvoni®.

As a result of Reilly's conduct, TennCare paid at least \$4,400,000 to purchase Sovaldi®, Harvoni®, Viekira Pak®, and Daklinza® prescriptions for these 51 patients, which they would not have paid if true and accurate prior authorizations, drug test results, and medical lab reports pertaining to these patients had been submitted.

The investigation, which led to Reilly's guilty plea, was conducted by the Tennessee Bureau of Investigation and Department of Health and Human Services – Office of the Inspector General. Assistant U.S. Attorney T.J. Harker represented the United States.

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Life Care

est civil False Claims Act settlement in the Eastern District of Tennessee.

As part of this settlement, Life Care has also been required to enter into a five year chain-wide Corporate Integrity Agreement with the U.S. Department of Health and Human Services Office of Inspector General (HHS-OIG). Life Care owns and operates more than 220 skilled nursing facilities across the country.

“Billing federal health-care programs for medically unnecessary rehabilitation services not only undermines the viability of those programs, it exploits our most vulnerable citizens,” said Nancy Stallard Harr, U.S. Attorney for the Eastern District of Tennessee. “We are committed to working with our federal partners to protect both.”

The settlement, which was based on the company’s ability to pay, resolves allegations that

between January 1, 2006 and February 1, 2013, Life Care submitted false claims for rehabilitation therapy by engaging in a systematic effort to increase its Medicare and TRICARE billings. Specifically, Life Care instituted corporate-wide policies and practices designed to place as many beneficiaries in the highest reimbursement category for therapy irrespective of the clinical needs of the patients, resulting in the provi-

sion of unreasonable and unnecessary therapy to many beneficiaries. Life Care also sought to keep patients longer than was necessary in order to continue billing for rehabilitation therapy, even after the treating therapists felt that therapy should be discontinued. Life Care carefully tracked the minutes of therapy provided to each patient and number of days in therapy to ensure that as many patients as possible were at the highest level of reimbursement

for the longest possible period. The settlement also resolves allegations, brought in a separate lawsuit by the United States, that Forrest L. Preston, as the sole shareholder of Life Care, was unjustly enriched by Life Care’s fraudulent scheme.

“This resolution is the largest settlement with a skilled nursing facility chain in the Department’s history,” said Principal Deputy Assistant Attorney General Benjamin C. Mizer, head of the Justice Department’s Civil Division. “It is critically important that we protect the integrity of government health care programs by ensuring that services are provided based on clinical rather than financial considerations.”

“The resolution announced today demonstrates the commitment of the U.S. Attorney’s Office to aggressively pursue providers who utilize fraudulent practices to knowingly put their own financial self-interest over a duty to patients,” said U.S. Attorney Wifredo A. Ferrer of the Southern District of Florida. “It is imperative that providers make healthcare decisions

Life Care ctd. pg. 7

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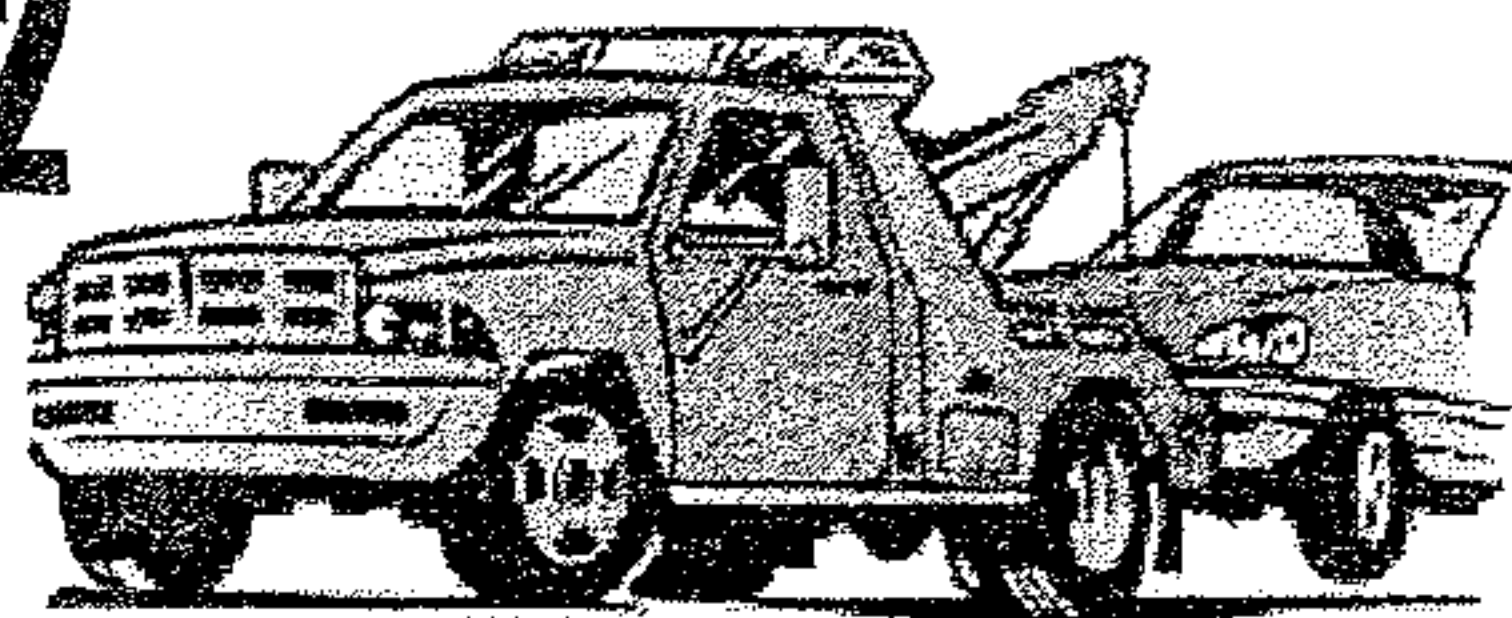
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LCPD

Kaitlyn McCracken, 23, Sweetwater Vonore Road Sweetwater, was charged with Illegal Possession/Fraudulent use of Credit Card, and Theft of property. Kaitlyn McCracken did knowingly use a credit card that was taken from a car during an auto burglary out of Loudon. The victim was notified that 60.73 was charged to their stolen card at Walmart. Inv. Brad Brown obtained video footage wherein Kaitlyn was observed using the stolen card to purchase items.

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Life Care ctd. from pg. 5

based upon a patient's need for services rather than a self-serving desire to maximize financial profit. Our office will continue to investigate fraud allegations, in order to ensure that providers do not compromise the integrity of our public health care programs."

"Therapy provided in skilled nursing facilities must be medically reasonable and necessary for the individual patient, and we will continue to vigorously investigate companies to prevent fraud and abuse," said Inspector General Daniel R. Levinson for the U.S. Department of Health and Human Services. "The corporate integrity agreement with Life Care is designed to ensure that Life Care's provision of therapy services in the future will be determined by the needs of its patients."

U.S. Attorney Harr noted that the settlement with Life Care resolves allegations originally brought in lawsuits filed under the qui tam, or

whistleblower, provisions of the False Claims Act by Tammie Taylor and Glenda Martin, former employees of Life Care. The act permits private parties to sue on behalf of the government for false claims for government funds and to receive a share of any recovery. The government may intervene and file its own complaint in such a lawsuit, as it has done in this case. The relator share of the recovery in this matter is \$29 million.

This settlement illustrates the government's emphasis on combating health care fraud and marks another achievement for the Health Care Fraud Prevention and Enforcement Action Team (HEAT) initiative, which was announced in May 2009 by the Attorney General and the Secretary of Health and Human Services. The partnership between the two departments has focused efforts to reduce and prevent Medicare and Medicaid financial fraud through enhanced cooperation. One of the most powerful tools in this effort is the False Claims Act. Since January 2009, the Justice Department has recovered a total of more than \$31.6 billion through False Claims Act cases, with more than \$19.2 billion of that amount recovered in cases involving fraud against federal health care programs. Over the same period of time, the U.S. Attorney's Office for the Eastern District of Tennessee has recovered more than \$90 million through False Claims Act cases, with more than \$81 million of that amount recovered in cases involving fraud against federal health care programs.

U.S. Attorney Harr commended and expressed her deep appreciation for the dedication and diligence of the large team that handled this

complex and lengthy investigation and litigation, including current and former attorneys, paralegals, investigators and support staff from the Department of Justice's Civil Division, Commercial Litigation Branch; the U.S. Attorney's Offices for the Eastern District of Tennessee, the Southern District of Florida, the District of Colorado, the District of Massachusetts, the District of South Carolina, and the District of the District of Columbia; and HHS Office of Inspector General.

The two qui tam cases are docketed as United States ex rel. Taylor v. Life Care Centers of America, Inc., No. 1:12-cv-64 (E.D. Tenn) and United States ex rel. Martin v. Life Care Centers of America, Inc., No. 1:08-cv-251 (E.D. Tenn). The case against Forrest L. Preston is captioned United States v. Preston, No. 1:16-cv-113 (E.D. Tenn). The claims resolved by the settlement are allegations only; there has been no determination of liability.

Haslam Appoints Wagner Circuit Court Judge for 30th Judicial District

Tennessee Gov. Bill Haslam today appointed Mary L. Wagner of Memphis as circuit court judge for the 30th Judicial District, which serves Shelby County. The vacancy was created by the retirement of Judge Donna M. Fields.

Since 2011, Wagner, 32, has been at the Memphis law firm Rice, Amundsen & Caperton, where she has worked in general practice with an emphasis on family law and non-profit/business organization and defense. Other areas of her practice there have included personal injury and probate.

While at the firm, she taught at the Cecil C. Humphreys School of Law at the University of Memphis from 2012-2014 as an adjunct professor, teaching second-year law students advanced skills in legal writing and oral advocacy and first-year students legal writing, research and analysis.

"With her extensive background in Shelby County, Mary Wagner is well prepared for a seat on the circuit court in the 30th Judicial District," Haslam said. "We are fortunate to have someone with her experience, and we are pleased to announce this appointment."

"I would like to thank the governor for his confidence in me," Wagner said. "I am deeply humbled and honored by this opportunity. I look forward to serving the citizens in the 30th Judicial District."

Before joining Rice, Amundsen & Caperton, Wagner was at the Leitner, Williams, Dooley and Napolitan firm from 2010-2011. She was a law clerk from 2009-2010 for Judge Steven Stafford of the Tennessee Court of Appeals, law clerk for Judge Robert L. Childers in the Shelby County Circuit Court from 2008-2009 and worked as an extern in 2008 with the U.S. Attorney's office for the Western District of Tennessee. Wagner was a research assistant in 2007 for Prof. Andrew McClurg during law school.

She has been a member of the Post Conviction Defender Oversight Commission since June 2015.

Wagner received her law degree from the University of Memphis in 2009. She received a bachelor's degree in 2006 from the University of Colorado, majoring in political science.

Wagner has also been active in her community, including membership in the Germantown Kiwanis Club since 2011 and a member of the Hermitage Chapter of the Daughters of the American Revolution since 2013. Wagner has been a member of the Christ United Methodist Church since 2015 and was previously a member of Germantown Baptist Church.

Wagner is married to Tom Owen, and they have a son, Benjamin.

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