



Office of the Attorney General

Medicaid Fraud Control Unit (MFCU)



VIRGINIA OFFICE OF THE ATTORNEY GENERAL

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VA 24211

HOTLINE: 800-371-0824



In The
NEWS!!



Virginia MFCU Notes

MFCU

Statutory Authority



VIRGINIA OFFICE OF THE ATTORNEY GENERAL

- Federally mandated to investigate fraud and abuse in state administered Medicaid programs, Separate and apart from the Medicaid agency—42 CFR§1007
- Established at the VA Office of Attorney General in 1982 by the Virginia General Assembly—Va. Code Ann. §32.1-320
 - **Authority to audit and review records**—Va. Code Ann. §32.1-310; §32.1-320(b)(1)
 - **Authority to subpoena witnesses and records**—Va. Code Ann. §32.1-320(b)(2)

Investigative Jurisdiction

- Providers who accept Medicaid funding
- Individuals responsible for the care of a Medicaid recipient



Where do our
cases come
from?

MFCU Hotline

DMAS

Direct calls

Law enforcement

MCO's

DSS

Who do we partner with?

VSP

DOJ / USAO

HHS / OIG

TBI

County / Local
Police

Local
Commonwealth's
Attorney

Providers that accept Medicaid money

- Doctors
- Nursing Homes
- Pharmacies
- Pharmaceutical companies
- Transportation companies
- Home Health Agencies

Individuals responsible for the care of a Medicaid recipient

- PPL / CDCN – Waiver Programs – Personal Care Services Attendants

Who do we investigate?

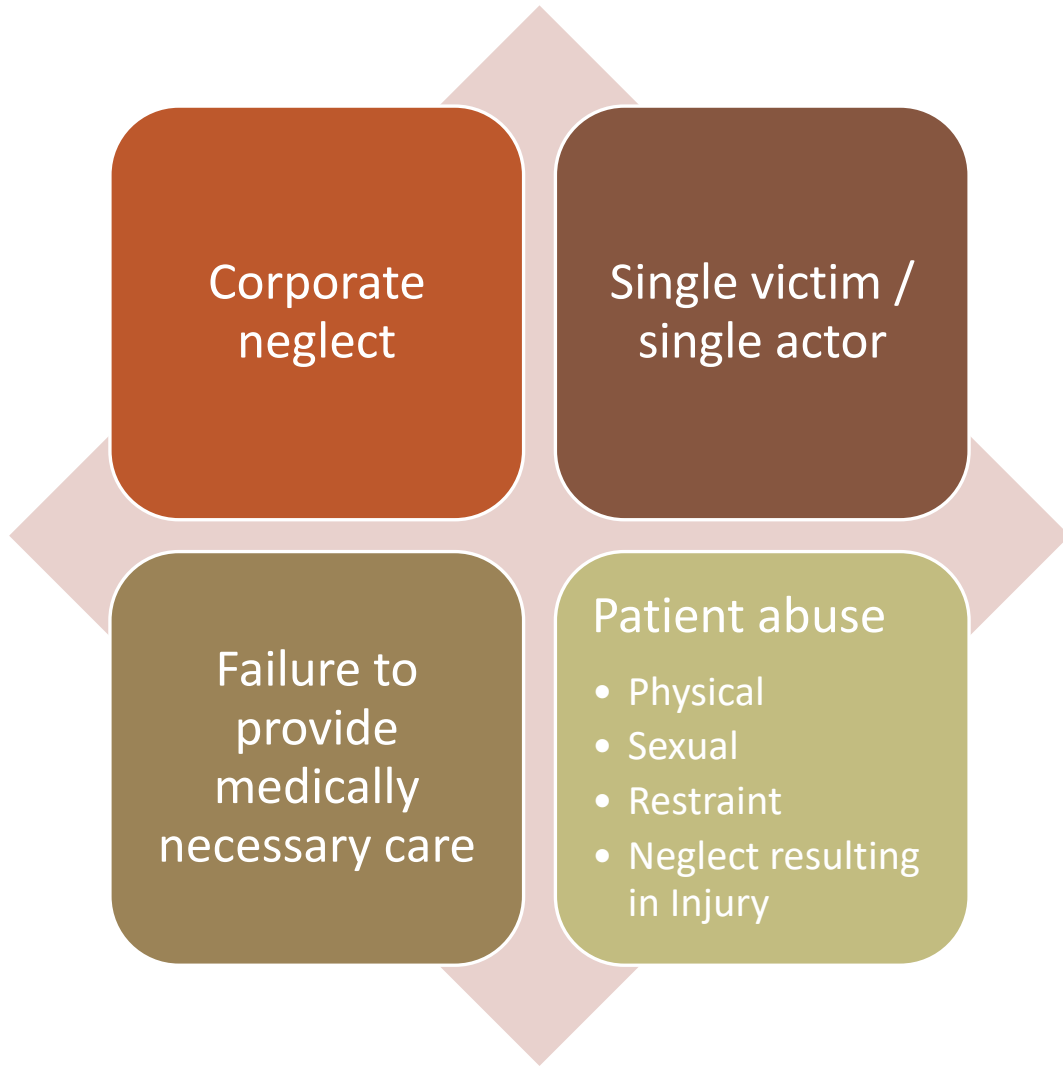
What kinds of fraud do we investigate?

Billing for services

- Not performed
- Unnecessary
- Unbundling
- Worthless services

Kickbacks

Drug diversion



What kinds of Abuse/Neglect do we investigate?

Investigative tools

Subpoenas

Audit & Inspect

Search warrants

Document / Record review

Surveillance

Hidden cameras

Forensic exam of electronics

State Court

- Medicaid Fraud
- Obtaining Money Under False Pretenses
- Abuse & Neglect of Vulnerable Adult
- Financial Exploitation

Federal Court

- Healthcare fraud / Conspiracy
- Wire Fraud
- Drug Trafficking

Prosecution



Daniel. Who is he?

- Lived on his own in an apartment
- Weighed approximately 175 lbs
- Medicaid recipient
 - Employment via a Medicaid program
- Mother died in 2012, and his brother became his POA
- COVID pandemic causes him to be laid off
- Sister-in-law became his personal care services attendant

Referral / What happened to Daniel?

EMS
Worker

Sheriff's
Office

Commonwealth
Attorney

MFCU

Investigation and Resources

- Interviews
 - Physician(s), home health nurses, EMS providers, funeral home employees
- Medical Records
- Bank Records
- CDCN Records
- Expert witness
- Medical Examiner's report
- Special Grand Jury

Autopsy Points of Interest

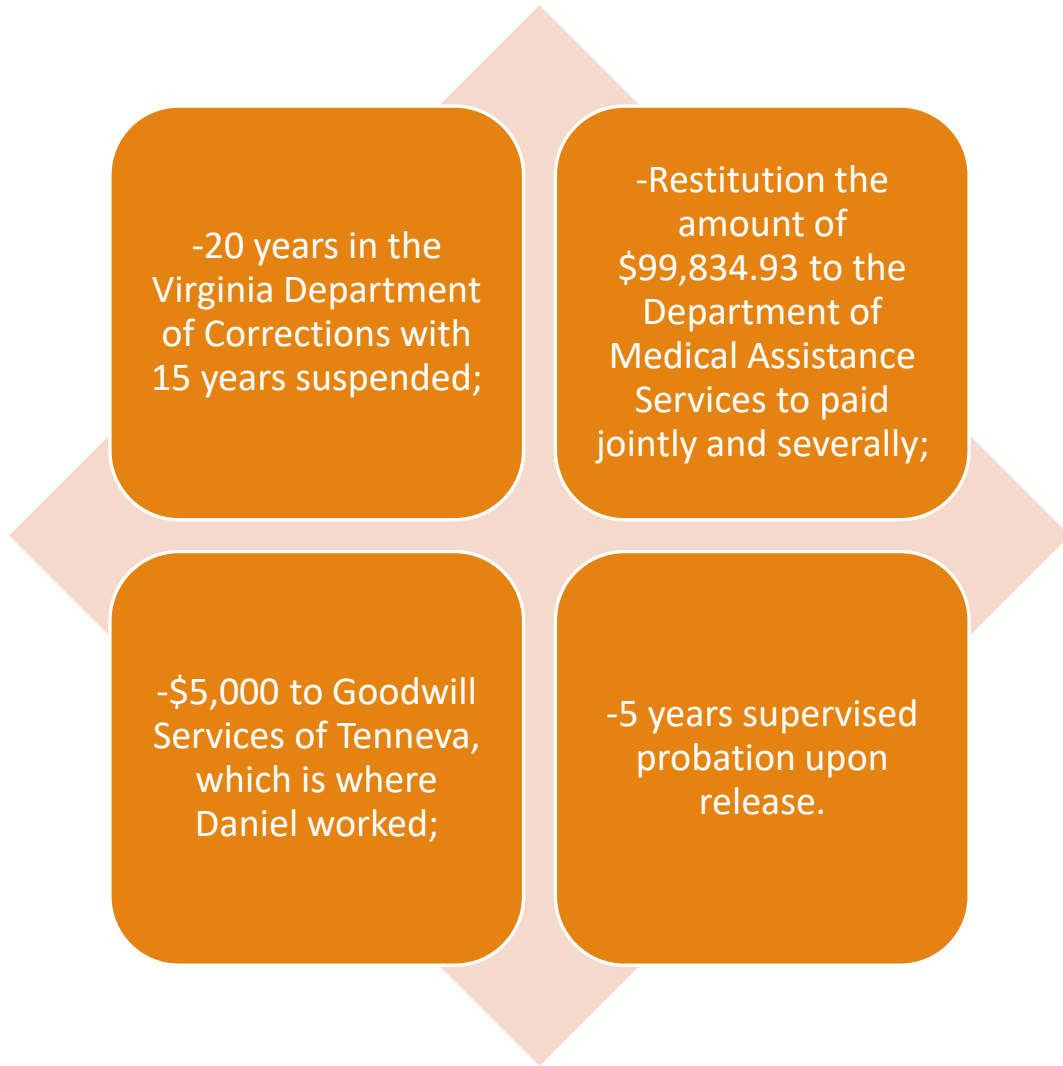
- Malnutrition and dehydration with no signs of food or significant material in the gastrointestinal tract.
- Multiple decubitus ulcers, stages I-IV
- Posterior rib fractures in various stages of healing
- “The presence of multiple decubitus ulcers (Stage I-IV), severe malnutrition and dehydration in an individual dependent on others for assistance are indicative of neglect.”

Guilty Pleas!

-Medicaid Fraud

-Abuse and neglect causing death

-Financial exploitation of an incapacitated adult



Sentence

Couple enters pleas in neglect death, fraud case

By MIKE STILL
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GATE CITY — A Duffield couple will serve five years in prison and pay a combined \$209,000 in restitution in connection with the 2021 death of the husband's brother.

David Mark Winegar, 59, and Lisa Vickery Winegar, 59, entered Alford pleas — an admission that case evidence is likely to result in a conviction — in Scott County Circuit Court Monday.

According to the plea agreement the couple accepted, Scott County Circuit Court Judge John C. Kilgore sentenced each Winegar to three concurrent 20-year prison terms with 15 years suspended.

The Winegars each pleaded to one count of:

- false statement or representation in applications for payment or for use in determining rights to payment

- abuse of a vulnerable adult resulting in death

- financial exploitation of a vulnerable adult

As part of the plea agreement, prosecutors dropped two counts each against the couple — homicide and first-degree murder — with the possibility of reinstatement.

The Winegars each were ordered to pay \$99,834.93 in restitution to the state Department of Medical Assistance Services and \$5,000 each to Goodwill Industries of Tennesse Area, Inc. The pair also will serve a minimum of five years supervised probation.

According to prosecutors, the Winegars were caregivers to David Winegar's brother, Daniel, until his death in November 2021.

Kilgore ordered the couple to report to prison on Jan. 15.



Daisy – who is she?

- Daisy lives with her half sister, who is her POA
- Half sister was her caretaker until she was no longer able
- Niece, niece's boyfriend and three children move in to care for Daisy and her half sister
- PPL pays Niece to care for Daisy

Referral / What Happened to Daisy?

DSS involvement

Sheriff's Office

Removal

Commonwealth's
Attorney

Investigation and Resources

Interviews

Subpoenas

- Bank records
- PPL records – time and payment
- Medical Records

Court Action; Pleas and Sentences

- Boyfriend charged w/ (Felony) Abuse and/or Neglect of Incapacitated Adult (now “vulnerable adult”)
 - Guilty plea to misdemeanor
 - 12 months jail – all suspended
 - 12 months probation

Court Action; Pleas and Sentences

- Niece charged w/ (Felony) Abuse and/or Neglect of Incapacitated Adult (now “vulnerable”)
 - Guilty plea to same
 - 10 years prison – 8 years, 6 months suspended
 - 2 years probation
 - \$19,243.72 restitution

Washington Co., Va. woman sentenced for elder abuse; victim had 'large cancerous mass' on head & weighed 65 pounds, prosecutors report

Murry Lee

2 weeks ago



Other Prosecutions



SERVICE
FACILITATORS



TRANSPORTATION
CASES



BEHAVIORAL
HEALTH



DOCTORS



DENTISTS

How Can We Help You??

- Access to Nurse Investigators
- Prosecutor
- Expert retention
- Expertise
 - Time to devote to these cases
- Record review

When To Call Us

The sooner the
better!!

The earlier you
call, the more
effective we can
be

Comments?

Questions?



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