

AFFIDAVIT FOR PROBABLE CAUSE

I, Andrea Anderson, Investigator with the Indiana Attorney General's Office, hereby swear or affirm that I learned the following facts during the course of my investigation involving Mia Merriweather:

I am an investigator for the Indiana Medicaid Fraud Control Unit ("MFCU"), a division of the Indiana Attorney General's Office. Our office was notified by Indiana Fitness Works ("IFW"), a professional healthcare staffing agency located in Marion County, that they had terminated a nurse named Mia Merriweather ("Merriweather"), after an internal investigation revealed that she had submitted fraudulent time cards that resulted in her being paid for work she had not performed. IFW provides rehabilitation and nursing staff to skilled nursing facilities throughout Indiana on a contract basis. The company is owned by a speech/language pathologist named Suzanne Patterson-Reed ("Reed").

Merriweather first joined IFW as a Certified Nursing Assistant ("CNA") in November of 2016, but after passing her nursing boards in March of 2017, started working as an LPN, earning \$25/hr. From September until December 8, 2017, Merriweather was assigned to work at various facilities as a "PRN" or "as-needed" nurse for IFW. Once IFW provided Merriweather's contact information to a facility looking for nursing help, it would be up to Merriweather and the facility staff to compare their needs with her availability and make arrangements regarding her work schedule. Merriweather would then submit her timecards to IFW, who would pay Merriweather. IFW would bill the facility for Merriweather's

services, and the facility, in turn, would include the costs for Merriweather's services as part of their billing to the Indiana Medicaid program.

The timecards IFW uses are the card-stock paper type typically used to "punch in" on a time clock. The entries on the cards are either time/date stamped by a machine or are handwritten by the employee. According to IFW policy, the employee must sign each timecard that is turned in, to signify that all hours claimed are accurate.

In early December of 2017, Sharon Battson ("Battson"), IFW's Office Manager, was reviewing Merriweather's time entries, and noticed that it appeared that Merriweather had claimed time on the same date at different facilities. Since Merriweather typically worked shifts of at least 8 hours, Battson questioned whether this could be legitimate. Battson reached out to her contacts at three facilities, including Brooke Knoll Village in Avon; Willow Crossing in Columbus; and Lakeview Manor Nursing Home in Indianapolis; asking for verification of the hours Merriweather worked at their respective locations between September and December of 2017. After comparing that information to Merriweather's timecards, Battson discovered that Merriweather had claimed hours that she did not work on 8 of her timecards: 7 timecards involving false hours at Lakeview Manor between September and November; and 1 timecard containing false hours at Willow Crossing in November.

When Battson and Reed attempted to reach Merriweather regarding these discrepancies, Merriweather failed to respond to their calls and

text messages. On December 27, 2017, IFW's attorney sent a letter to Merriweather, including a detailed accounting of the time discrepancies and seeking an explanation. Merriweather never responded. Subsequently, IFW reported Merriweather's actions to the Indiana Attorney General's Office and the Nursing Licensing Board.

During my investigation, my co-worker Nicky Martin and I conducted interviews of several staff members at IFW, Lakeview Manor and Willow Crossing. I obtained Merriweather's personnel file and copies of the eight (8) timecards that had been submitted with false information.

According to Battson, during this period of time, Merriweather was submitting her timecards to IFW by sending photos of the timecards via text messages to Battson; therefore, IFW did not have the original timecards in their files. While Battson did not retain records showing the exact date that she received the text messages, she did print out the images of the timecards that she received from Merriweather, and she knows that she would have received them no later than noon on the Monday following the last date on the timecard.

I also gathered records from the nursing homes, including the Staffing Sheets from Lakeview Manor that are used to keep track of which nurses are on duty for each shift every day. Lakeview Manor divides days into three shifts as follows:

Day (morning) Shift: 7am-3:30pm
Evening Shift: 3pm-11:30pm
Night Shift: 11pm-7:30am

A review of these records revealed that Merriweather submitted four timecards in September and October of 2017 that reported hours for shifts that she did not work at Lakeview Manor. In addition, when I met with Lourdes Cantore, the Administrator of Lakeview Manor, she advised me that she knew for a fact that Merriweather had not worked at her facility after October 21, 2017, following an incident where Merriweather failed to alert the administration that a resident who left the building on October 20, 2017 had failed to return as expected. A review of the Staffing Sheets corroborates Cantore's recollection that Merriweather worked on October 20, 2017—and that she was not at the facility after that date. Nevertheless, Merriweather submitted three additional timecards to IFW, claiming to have worked numerous shifts at Lakeview Manor during November.

Alyssa Holliday, the Administrator at Willow Crossing in Columbus, Indiana, also confirmed that Merriweather had not worked there in November—despite the fact that Merriweather submitted a time card claiming to have worked several shifts there in late November.

Based on my investigation, I found evidence that Merriweather submitted forged timecards to IFW as detailed in Attachment "A" to this Probable Cause Affidavit. Each timecard contains the false time entries listed in the Attachment and Merriweather's signature/initials. After submitting these fraudulent timecards, Merriweather accepted payment for services that she knew that she did not render, in an amount of more than \$7,000. The Indiana Medicaid program subsequently reimbursed

the nursing facilities for, among other things, their staffing expenses— which included the expense for compensating IFW for Merriweather’s services. Therefore, I believe that probable cause exists to charge Mia Merriweather with 8 counts of Forgery for knowingly submitting fraudulent timecards to Indiana Fitness Works between September 17 – December 2, 2017; and 1 count of Level 6 Felony Theft, since her fraud resulted in a loss to the Medicaid Program of an amount greater than \$750 and less than \$50,000.

Date 10-23-18



Andrea Anderson, MFCU Investigator

Attorney

State Witnesses:

Andrea Anderson, MFCU
Sharon Battson, IFW
Suzanne Patterson-Reed, IFW
Lourdes Cantore, HFA Lakeview Manor
Olivia Salas, payroll/HR Lakeview Manor
Tiffany Tackett, RN
Alyssa Holliday, HFA Willow Crossing
Brandon Hunt, RN

ATTACHMENT "A"

LAKEVIEW MANOR	False Entry Date (shift) 2017	False hours Claimed	Timecard submitted to IFW on or about
Timecard #1	9/17-9/18 (eve/night double shift)	16.75	9/24/17 - 9/25/17
Timecard #2	9/29 (am/eve double shift)	16.50	9/30/17 - 10/2/17
	9/30 (eve shift)	8.25	
Timecard #3	10/7-10/8 (eve/night double shift)	16.75	10/8/17 - 10/9/17
Timecard #4	10/10-10/11 (eve/night double shift)	16.50	10/14/17 - 10/16/17
	10/11-10/12 (eve/night double shift)	16.50	
	10/12-10/13 (night shift)	8.25	
	10/13-10/14 (eve/night double shift)	16.50	
Timecard #5	11/6 (am/eve double shift)	16.0	11/12/17 - 11/13/17
	11/7 (am/eve double shift)	16.75	
	11/10-11/11 (eve/night double shift)	16.25	
	11/11-11/12 (eve/night double shift)	16.50	

ATTACHMENT "A"

Timecard #6	11/14-11/15 (eve/night double shift)	16.50	11/19/17 - 11/20/17
	11/15-11/16 (eve/night double shift)	16.0 8.50	
	11/16-11/17 (night shift)	16.0	
	11/18-11/19 (eve/night double shift)		
Timecard #7	11/19 (am/eve double)	16.50 15.50	11/25/17 - 11/27/17
	11/23 (am/eve double)	16.0	
	11/24 (eve/night double shift)		
WILLOW CROSSING			
Timecard #8	11/27-11/29	31.75	11/29/17 - 12/4/17