

INFORMATION (FELONY)

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IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.

STATE OF OKLAHOMA,)
Plaintiff,)
vs.)
KEITH CARNELL MORTON,)
Defendant.)

SEP 17 2012

PATRICIA PRESLEY, COURT CLERK

by _____
INFORMATION DEPUTY

CF-2012-5611

In the name and by the authority for the State of Oklahoma, comes now E. SCOTT PRUITT, the duly elected, qualified, and acting Attorney General of the State of Oklahoma, and on his official oath informs the District Court that:

COUNT 1: POSSESSION OF A FORGED INSTRUMENT [21 O.S. 1579]

On or about May 14, 2012, in Oklahoma County, Oklahoma, KEITH CARNELL MORTON committed the crime of POSSESSION OF A FORGED INSTRUMENT, a felony, in violation of Title 21 O.S. Section 1579, by possessing a Service Verification Form purporting to have been verified and signed by Lori Kelton for H.L., with the intent to defraud the Oklahoma Medicaid Program knowing that the document had been altered after the verifying signature was obtained and the instrument was false.

COUNT 2: POSSESSION OF A FORGED INSTRUMENT [21 O.S. 1579]

On or about May 14, 2012, in Oklahoma County, Oklahoma, KEITH CARNELL MORTON committed the crime of POSSESSION OF A FORGED INSTRUMENT, a felony, in violation of Title 21 O.S. Section 1579, by possessing a Service Verification Form purporting to have been verified and signed by Lori Kelton for N.L., with the intent to defraud the Oklahoma Medicaid Program knowing that the document had been altered after the verifying signature was obtained and the instrument was false.

COUNT 3: MEDICAID FRAUD [56 O.S. §1005(A)(1)]

On or between February 1, 2012 through May 8, 2012, in Oklahoma County, Oklahoma, Defendant KEITH CARNELL MORTON committed the crime of MEDICAID FRAUD, a misdemeanor, in violation of Title 56 O.S. Section 1005(A)(1), by willfully and knowingly causing to be submitted to the Oklahoma Medicaid Program through its fiscal agent, false claims for payment in the aggregate amount of less than \$2,500.00 for Medicaid services not provided to H.L. and N.L.

State of Oklahoma)
County of Oklahoma) ss.

I, April Woodard, being duly sworn upon oath, state that I have read the above and foregoing information and know the contents thereof, and that the facts stated herein are true.

April D Woodard
Investigator
Medicaid Fraud Control Unit

Subscribed and sworn to before me this 17 day of September, 2012.

Kristy Porter
Notary Public



Witnesses for the State of Oklahoma:

Keith Kelton – 4741 Spiva Dr.; Del City, OK 73115-4311

Lori Kelton – 4741 Spiva Dr.; Del City, OK 73115-4311

Toni McGuffee – 1711 S.W. 14th ST.; Oklahoma City, OK 73108-6801

Eva Rodriguez – 5120 S. Olie Ave.; Oklahoma City, OK 73109-4030

Susan Lowrey, Behavioral Health Audit Specialist; Program Integrity Unit; Oklahoma Health Care Authority; 2401 NW 23rd ST., Ste. 1A; Oklahoma City, OK 73107-2423

Fred Oraene; Data Processing Analyst and Planning Specialist; Oklahoma Health Care Authority; 2401 NW 23rd ST., Ste. 1A; Oklahoma City, OK 73107-2423

Paula Printup-Porter, Senior Systems Analyst; Program Integrity Unit; Oklahoma Health Care Authority; 2401 NW 23rd ST., Ste. 1A; Oklahoma City, OK 73107-2423

Beth VanHorn, Legal Operations Director; Oklahoma Health Care Authority; 2401 NW 23rd ST.; Oklahoma City, OK 73107-2423

Nena West, Director; Professional Counselor Licensing Division; Oklahoma State Department of Health; 1000 NE 10th ST.; Oklahoma City, OK 73117-1207

Sam Heinen; Medicaid Fraud Control Unit; Oklahoma Attorney General's Office; 313 NE 21st ST.; Oklahoma City, OK 73105-3207

April Woodard; Medicaid Fraud Control Unit; Oklahoma Attorney General's Office; 313 NE 21st ST.; Oklahoma City, OK 73105-3207

All in violation of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma.

Dated this 17 day of September, 2012.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA

BY: 
LORY DEWEY, OBA# 19540
Assistant Attorney General
313 NE 21st Street
Oklahoma City, OK 73105
(405) 521-3921

STATE OF OKLAHOMA)
) SS.
COUNTY OF OKLAHOMA)

**AFFIDAVIT OF PROBABLE CAUSE
FOR ARREST WARRANT FOR**

KEITH CARNELL MORTON

**MEDICAID FRAUD
56 O.S. § 1005**

April Woodard, being of lawful age and after having affirmed upon her oath to tell the truth, states as follows:

I am a certified Peace officer in Oklahoma, currently employed as an Investigator in the Oklahoma Attorney General's Office, Medicaid Fraud Control Unit. My duties include investigating allegations of fraud and abuse by providers and facilities receiving Medicaid funds.

On April 3, 2012, Joe Dewey, Assistant Oklahoma County District Attorney, contacted the Medicaid Fraud Control Unit in reference to a complaint he received from a Foster Mother, Lori Kelton. Kelton stated that N.L. and H.L. are receiving counseling at Maximus Counseling Services and seeing therapist Keith Morton. Kelton's complaint is that Morton is playing outside or watching movies with the children and not providing counseling.

On April 9, 2012, your affiant was assigned to investigate possible Medicaid fraud by Keith Carnell Morton, a Licensed Professional Counselor, employed at Maximus Counseling Services, Inc., 5714 S. Western Avenue, Oklahoma City, OK 73109. Maximus Counseling Services, Inc. is contracted with the Oklahoma Health Care Authority (OHCA) to provide counseling services to Medicaid recipients. The OHCA is the single state agency in Oklahoma responsible for administering Medicaid Funds to providers of health care services. The following are the results of the investigation.

A provider report for N.L. and H.L. was requested and provided by the Oklahoma Health Care Authority (OHCA). The provider report list all the billing by Maximus Counseling Services to the OHCA for services provided to N.L. and H.L.

On May 2, 2012, your affiant perpared and served a subpoena to Maximus Counseling

Service, located at 5714 S. Western Ave., Oklahoma City, OK 73109, for complete client files of N.L. (Medicaid # [REDACTED]) and H.L. (Medicaid # [REDACTED]). Also requested were the personnel files for Keith Morton, Mirlande Campbell, and Abiodun Harris. Morton, Campbell, and Harris were listed on the provider report as providing services to N.L and H.L.

On May 2, 2012, your affiant interviewed Lori Kelton, Foster Mother of N.L and H.L.. Kelton became their foster Mother November 7, 2011. Kelton stated she first heard about Maximus Counseling Services about 2 months after she received the children. Leslie Guy, Oklahoma Department of Human Services (DHS) case worker for N.L. and H.L., contacted Kelton and advised that their biological mother wanted to change their counseling agency to Maximus. Kelton stated when they first started going to Maximus Counseling Services they met with a lady; she couldn't remember her name. After that first contact the children started seeing Keith Morton. They met on Friday's for one hour at the counseling agency; from 4PM to 5PM. Kelton requested that Morton start seeing the children at their school, but he stated he was too busy with other clients. To Kelton's knowledge Morton did not see each of the children individually. N.L. and H.L. would tell Kelton they watched movies and ate while they were with Morton. Kelton was not allowed to attend counseling with the children; the agency did not let her go back with them. Kelton has never taken the children to any counseling sessions with their biological parents. Their biological father is currently incarcerated. Kelton has never received any counseling during the time she has had legal custody of N.L. and H.L. Kelton stated that N.L. and H.L. did see another counselor from Maximus Counseling Services after Morton was hurt. Kelton was asked to review two provider reports containing the dates and units that Maximus Counseling Services billed the OHCA for services for N.L. and H.L. Kelton first noticed they had billed for Saturday's. Kelton stated they had never been seen by anyone on a Saturday for counseling. There was also billing for more than an hour for each child. Kelton was positive that they were never seen for more than an hour each session. Kelton placed a mark next to each billing that she stated either did not happen or was longer than an hour. Kelton signed and dated each provider report and added notes. The provider report lines that had dates and units billed by Morton marked by Kelton. She added a note stating "sessions are one hour each" and "Saturday's did not see them". There were a total of 17 entries for Morton that was billed to the OHCA for 90 minutes each.

On May 9, 2012, Kelton contacted your affiant and advised Morton had contacted her. Kelton advised that Morton called her and stated he needed to stop by her work to have her sign some forms. Morton said that he had forgot to have her sign them at the time he provided services to N.L and H.L. Kelton asked your affiant if she should

sign the forms. Your affiant explained that she would not advise Kelton on whether to sign the forms or not. Kelton would have to make that decision. Your affiant did request that Kelton try and make copies of any documents that Morton provided her to sign. Kelton was also asked if she did sign the forms to try and sign them in a way that would be different than her usual signature. It was determined Kelton would sign her name and place a heart over the "I" in Lori. This would be something she would not normally do. Later that day, Kelton contacted Your affiant and advised she had met with Morton. She stated that he had two different forms, one for N.L. and one for H.L. that he needed her to sign. The form only had the child's name, Medicaid number, year and signature of Morton filled out. Kelton was asked to sign her name on four lines on N.L.'s form and three lines on H.L.'s. Your affiant met with Kelton at East Side Elementary and picked up the copies that Kelton made of the forms Morton requested her to sign. The form was called a Service Verification Form. Kelton had written in red ink on each form the date and time Morton provided the forms to her. She also wrote at the bottom of each form "Keith Morton came to East Side Elementary to have me sign these forms. When he had me sign this form it was blank. (No dates or times)". Kelton also provided a sworn statement to Your affiant.

On May 14, 2012, Maximus Counseling Service mailed a packet containing the subpoenaed documents to the Oklahoma City office of the Attorney General. The packet contained the client files for N.L. and H.L. and personnel files for Morton, Harris, and Campbell. After reviewing the client files, your affiant found the Service Verification forms that Morton requested Kelton to sign on May 5, 2012. The forms were now completely filled out with the dates, times and type of services provided to N.L. and H.L. It appears as though the original written items had been traced over to attempt to make them look different. The signatures belonging to Kelton had the heart over the "I" in Lori.

On July 5, 2012, your affiant obtained a Grand Jury Subpoena for Mid-Del School District. The subpoena is for the attendance records and sign in/out logs for school attended by N.L. and H.L. from November 1, 2011 through March 31, 2012. The records were delivered to the Oklahoma Attorney General's office on July 16, 2012. The package contained attendance records for N.L. and H.L. There were no sign in/out logs for either child. According to the school district there are no sign in/out records for either child.

On July 5, 2012, your affiant interviewed Kelton for a second time. Present during the interview was her husband, Keith Kelton. Kelton stated that N.L. and H.L. were seen by Keith Morton, counselor at Maximus Counseling, a total of four times. They saw Morton three times at Maximus Counseling office location, 5714 S. Western, Oklahoma City, and once at their residence. Both children were always seen at the

same time for a total of one hour each session. They usually would be seen once a week, on Fridays, from 4:00PM to 5:00PM. There were never any sessions during the weekend or holidays. The children were never seen at their school. Neither Kelton nor K.Kelton completed the required paperwork for the children to be counseled during school hours by Morton. The Kelton's never took the children to counseling with their biological mother. Kelton was asked a couple of times to sign a blank form by Morton. Morton explained to Kelton that he forgot to have her sign the form after the counseling session. She never read the form and only signed her name on the lines that Morton directed her to. The Kelton's never asked why they needed to sign or what the form was for. The Kelton's were asked to review a provider report for N.L. and H.L. The report listed all the billing for services that Maximus Counseling billed the OHCA for services for the children. The report included the times and dates of the services. Kelton and K. Kelton reviewed the spreadsheet and placed a check mark next to the ones they say could not be possible either due to the amount of time billed or the day listed for the service. Each person signed and dated the spreadsheet. There were a total of 17 times that Maximus Counseling Service billed the OHCA for services that Morton provided, The Kelton's placed a mark next to all 17. Kelton wrote at the bottom of the spreadsheet "The visits only happened on Friday's 1 hour each time." L. Kelton completed a Sworn Statement for Your affiant at the end of the interview. The total amount submitted by Morton and billed to the OHCA by Maximus Counseling Service was \$1,706.44.

On August 8, 2012, your affiant interviewed Eva Rodriguez, office manager at Maximus Counseling Service. Rodriguez stated that all progress notes are due by the 25th of each month for billing. If the 25th falls during a weekend the due date becomes the Friday prior. Each therapist turns the notes directly into the person responsible for billing for them; either Rodriguez or Toni McGuffee. The forms submitted for billing must contain the progress note(s), Service Verification Form, and Time Sheet/ Billing Sheet. The Service Verification Form and Time Sheet/ Billing Sheet are internal forms used by Maximus Counseling Service and are not required by the OHCA. If the therapist fails to submit any of the required forms the biller will contact him/ her and advise them of what is missing and request they get it submitted as soon as possible so they can bill for the service. Rodriguez stated she has never billed for services for any therapist if any of the documents were missing. Prior to billing the biller reviews the documents to verify that all the information required by OHCA is completed. They check the units, times, dates, and for the therapist signature to make sure it all matches. If something is missing or does not match the biller will contact the therapist directly and advise them of the error and request they take care of the issue as soon as possible so the services can be billed. Sometimes when she reviews a progress note and the information listed, goals and objectives, does not

sound right she will give the note(s) to Mimi Campbell, Clinical Director at Maximus Counseling Services, for review. Rodriguez stated she has never changed any information on any of the forms that she receives from the therapist. She said it could be possible, but she has never done it, that something could be billed without all the required paperwork. Rodriguez does not do any payment verification, she just writes on the Time Sheet/ Billing Sheet the Individual Claim Number (ICN) that is given after she submits the claim and the paid amount. If she does see a rejected or denied appear on the screen she will review the information and look to see what the problem is. Once she determines the issue she will notify the therapist and return the forms to him/her to be corrected. Rodriguez provided your affiant with a blank Service Verification Form and Time Sheet/ Billing Sheet.

On August 8, 2012, your affiant interviewed Toni McGuffee, receptionist for Maximus Counseling Service. The billing for services is done by McGuffee or Eva Rodriguez, Office Manager for Maximus Counseling. They directly bill the OHCA using the secured website. McGuffee has not received any formal training to billing. Maximus Counseling has a user name and password that is shared by McGuffee and Rodriguez to sign into the OHCA website to bill. She said that each therapist/ counselor is supposed to submit their progress note(s), Service Verification Form and Time Sheet/ Billing Sheet to her or Rodriguez by the 25th of each month. The Service Verification Form and Time Sheet/ Billing Sheet are internal forms required by Maximus Counseling and not the OHCA. McGuffee reviews the forms and verifies the days, units, amount note was billed for, and the therapist signature prior to billing for the service. If any of the required information or forms are missing she notifies the therapist immediately and request they submit the information as soon as possible for billing. McGuffee stated she has never billed for any services if there was any missing information or forms. McGuffee stated she has never changed any of the required information on any forms. After she finishes billing the forms are placed in each individual client file. McGuffee was asked by your affiant if she bills for Keith Morton, therapist at Maximus Counseling. She stated he was assigned to her. Each therapist/counselor is assigned to either McGuffee or Rodriguez for billing of their services. McGuffee was asked to review a Service Verification Form that had been completed and submitted by Morton. It was the Service Verification Form that came with N.L. and H.L.'s client file with Kelton's name signed with the heart over the "I" in Lori. She stated she did remember Morton had come to her stating he was missing some signatures and provided the forms a few days later completed and signed. McGuffee was asked how the services could have been billed prior to the date the verification form had been signed by the parent/guardian. She was unable to explain how that happened, but did believe there was possibly another form that was in the client file. When she got the updated form from Morton, she believes she replaced the

original form with the new form and destroyed the original. McGuffee was not completely sure but stated she never bills for anything if there is missing information or forms. When asked if it could be possible to bill for services without the required forms she stated it could be possible.

On August 23, 2012, your affiant interviewed Keith Morton, Licensed Professional Counselor (LPC) at Maximus Counseling Services. Morton stated he has been employed at Maximus Counseling Service as a therapist on and off since 2003 or maybe 2006, he was not sure. He has been a Licensed Professional Counselor (LPC) since 2006. Mimi Campbell, Clinical Director at Maximus Counseling Service, is his direct supervisor at Maximus Counseling Service. He is paid an hourly rate of \$37.00. He has always been paid an hourly rate, never a percentage or salary. Morton currently has a total of three clients at Maximus. He usually sees his clients at their home, but sometimes at their school or a public library. Each session is typically 90 minutes. He provides family and individual counseling for his clients, but never does any group counseling. After Morton provides services to his client he will complete a progress note. The progress note is a Microsoft word template that was provided to him by Maximus Counseling Service. Morton stated he does not sign into an electronic system; he keeps track of his clients using a day planner. He does not do the intake or assessments for new clients. Intakes and assessment are all completed by Campbell. Morton stated that when he completes the progress note, he saves it to his computer and prints out a copy for Maximus. He signs the copy and turns it in to Miss Toni, biller and receptionist for Maximus. Morton also has to turn in a Service Verification form and Time Sheet, internal forms that Maximus requires, along with the progress note before it can be billed. The Service Verification form is supposed to be filled out with the time, date, and type of service provided to the client. After each session the parent or guardian of the client is supposed to review the information and sign the form agreeing that the services were provided. Morton stated he has forgotten to have the parent/guardian sign the form before, so he would have them sign it the next visit. Morton stated Maximus Counseling Service is very strict, so if you forget one of the forms they will not bill for the service and you will not get paid. Morton has forgotten to turn in all the required forms and Miss Toni called him. She will place the forms in his mail box for him to correct and he will resubmit them to be billed. Morton stated he thinks he has been trained on how to complete progress notes, but he was not sure by whom. He believes that when he was an LPC under supervision that his supervisor taught him how to complete a progress note and what information the OHCA requires, but was not sure who it was. He has made errors, spelling, and Miss Toni would let him know about the error. Morton has never copy and pasted any of the progress notes. Your affiant asked Morton if N.L and H.L. were his clients at Maximus Counseling Services. Morton said they were but not for

long. He believes he started seeing them sometime in December 2011 and was not sure when he stopped. He saw them a total of 12 times each. Morton saw them for individual counseling and each session lasted 90 minutes. Morton was not sure where the sessions took place with N.L. and H.L. , but knew it was at their home at least one time. He also stated he saw the family, foster parents, for family counseling on a couple of occasions, he believes it was at their home. Morton did complete the Service Verification Form after each session with the children for their foster Mother to sign. He would put the date, time, and service provided down on the form before she signed it. One time he did forget to complete the form and have her sign it. He took a blank form to her and they reviewed the dates and times together. At that time Morton filled in the information and the foster Mother signed it. Morton was provided copies of progress notes that he provided Maximus Counseling Service for N.L. and H.L. The notes had the exact same content, appearing to be copied and pasted. Your affiant asked Morton again if he copy and pasted his progress notes. He read through the notes and said "that is a mistake, I never copy and paste". There were 3 progress notes identified and shown to Morton with the same content and he was unable to explain how that happened. Morton was provided a Service Verification Form that was not completely filled out; it only had the client name, foster mother's signature and Morton's name filled in. There was no dates, times, or types of service provided filled in. Morton was asked if he had the foster Mother sign this form without the date, times, and services provided completed first. At that time Morton said he wanted to talk to his attorney first before he answered any further questions.

Morton caused to be billed to the OHCA, through Maximus Counseling Service, a total of \$1,649.28 of services that were not provided to H.L. and H. L. Morton also falsified the Service Verification Form used by Maximus Counseling Service, a form used to bill and to verify the services were rendered to the client, by false pretenses, requesting Kelton sign a form that was not filled out completely nor understood.

I request, upon probable cause, the court issue a warrant for the arrest of Keith Carnell Morton on the charges of Medicaid Fraud 56 O.S. § 1005 and Possession of a Forged Instrument 21 O.S. § 1579.

Further, your affiant sayeth not.

April D. Woodard
April D. Woodard

Subscribed and affirmed before me this 17 Day of September
Two Thousand Eleven.

Kristy Porter
Kristy Porter

My commission expires:

12-20-14



FINDING OF PROBABLE CAUSE

On this _____ day of _____, 20____, the above styled and numbered cause came on for hearing before me, the undersigned Judge of the District Court, and upon the Affidavit of _____ requesting that a warrant of arrest be issued for the within named Defendant, that s/he might be arrested and held to answer for the offense of _____.

The Court finds that the offense of _____ has been committed and there is probable cause to believe that the within Defendant has committed said offense and that a warrant of arrest should be issued.

Dated this _____ day of _____, 20_____.

JUDGE OF THE DISTRICT COURT