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6 COUNSEL FOR THE STATE
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8 MONTANA FOURTH JUDICIAL DISTRICT COURT
9 MISSOULA COUNTY

10 STATE OF MONTANA,) Cause No.
) Dept.
11 Plaintiff,)
) AFFIDAVIT IN SUPPORT OF
12 v.) MOTION FOR LEAVE TO FILE
) AN INFORMATION
13 ANDREW LANCE BOHLMAN,)
)
14 Defendant.)

15 STATE OF MONTANA)
:ss.
16 County of Lewis and Clark)

17 Michael J. Gee, an Assistant Attorney General for the State of Montana,
18 being first duly sworn, upon oath, deposes and states, based on information and
19 belief, the following:

20 The information herein set out is a statement of facts related to Affiant by
21 Agent(s) and investigator(s) of the Department of Justice, Division of Criminal
22 Investigation, Medicaid Fraud Control Unit (MFCU). Upon the relayed facts, he
23 bases his foregoing Motion for Leave to File an Information against the Defendant
24 above-named, and that the matters, facts, and things herein relayed demonstrates
25 probable cause to believe that the Defendant has committed the offense of:
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1 Smith also reported the suspected fraud to DPPHS's Surveillance and
2 Utilization Review Section (SURS). SURS conducts administrative checks and
3 audits on Medicaid providers to ensure accurate billing. They also identify potential
4 fraud and refer cases to the MFCU. In this way, SURS acts many times as the first
5 line of defense against Medicaid fraud.

6 Parallel investigations thus began. On November 21, 2016, SURS sent a
7 letter to the Defendant requesting three weeks of records in order to get a sample of
8 the Defendant's Medicaid billing. Those weeks were May 2-6, July 25-29, and
9 September 5-9, 2016. Another request letter was sent to ACS/Conduent for a
10 random pull of Explanation of Medical Benefits (EOMB) for the Defendant. These
11 EOMBs were sent out to clients to verify the services that were billed. Many
12 patients returned their EOMBs stating the services billed were not received.

13 On December 8, 2016, Michelle Bowlds, the Program Integrity Auditor at
14 SURS, sent a referral to the MFCU regarding the Defendant. SURS also sent
15 interdepartmental communications, Medicaid Provider Enrollment documents,
16 correspondence with the Defendant, EOMBs, billing queries, and the like. Bowlds
17 was concerned that the Defendant was billing each client for "chiropractic
18 manipulation of five spinal regions" as well as "chiropractic manipulation of one or
19 greater extra spinal regions" for *each* visit. Both of these services have high-paying
20 reimbursement rates.

21 Also, on December 8, 2016, as a result of DPHHS's confidence that the
22 Defendant's billings were fraudulent, the Defendant was notified that all Medicaid
23 payments were being suspended effective immediately.

24 SURS's investigation was transferred to the MCFU, and Agent Mardis was
25 given SURS's file on the Defendant.

26 Agent Mardis launched his investigation.
27

1 ACS/Conduent is a contractor for the Montana Medicaid Program and processes
2 Medicaid claims for the Montana Medicaid Program.

3 Records Request & Analysis

4 On November 7, 2016, Agent Mardis sent the Defendant a letter requesting
5 copies of medical records for a portion of the Defendant's clients. Included in the
6 portion of clients, were his three children. The Defendant contacted Agent Mardis
7 and advised him that he would be able to email or send the records to him, but that
8 he would not be available for over a week to meet in person to discuss the records.
9 Agent Mardis was contacted shortly thereafter by an attorney representing the
10 Defendant and was notified that the Defendant would not be available for a
11 meeting. The Defendant's attorney provided Agent Mardis with a disc containing
12 patient records on January 11, 2017.

13 MFCU Auditor Cody Strietzel assisted Agent Mardis in the investigation.
14 Auditor Strietzel distilled and analyzed the Defendant's billing from June 1, 2011 to
15 September 13, 2016. Auditor Strietzel discovered that most of the records had little
16 to no documentation that supported the treatment or medical need of the services
17 that were billed to Medicaid.

18 Agent Mardis followed up with a letter to the Defendant's attorney on
19 January 23, 2017, confirming that the documents returned to him were a total and
20 complete compilation of the records that were requested in November 2016. That
21 letter was never answered.

22 Agent Mardis interviewed patients and parents of patients. Many of these
23 patients were from groups of families. Of the 52 patients the Defendant billed to
24 Medicaid, 33 of them were part of a family group.

25 Agent Mardis also reviewed patient records, remittance advice forms, and
26 other facility documents.

27

1 In addition to the obvious circumstance of the Defendant's failure to even
2 have notes for many of the bills, Dr. Nynas noted that for the notes that were there,
3 he could "not find a single record for a date of service on one of these patients that
4 is defensible for the level of services charged by [the Defendant]."

5 Dr. Nynas's evaluation and corresponding report confirmed the allegations
6 of fraud.

7 SUMMARY

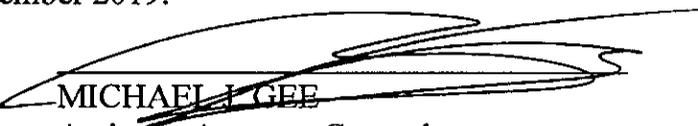
8 Agent Mardis's investigation of the Defendant's conduct revealed that from
9 at least January 2012 to January 2016, the Defendant fraudulently claimed that he
10 provided chiropractic services to at least 25 Medicaid recipients. Furthermore, the
11 Defendant did not maintain the necessary patient records to support his Medicaid
12 claims and billing.

13 The Defendant received at least \$100,000 worth of public assistance monies
14 based on the Medicaid claims he submitted. The Montana Medicaid Program
15 reimbursed the Defendant based on the Defendant's false statements or
16 representations.

17 For all the above reasons, the Affiant believes probable cause exists that the
18 Defendant, ANDREW LANCE BOHLMAN, has committed Medicaid Fraud, by
19 common scheme, a felony. Leave is hereby requested allowing the undersigned to
20 file an Information charging the Defendant with said offense.

21 **Medicaid Fraud**, by common scheme, a felony, committed in violation of
22 Mont. Code Ann. §§ 45-6-313(1)(a) (2015).

23 DATED this th 25 day of September 2019.

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MICHAEL J. GEE

25 Assistant Attorney General
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SUBSCRIBED AND SWORN TO before me this 25th day of September
2019 by Michael J. Gee.

Dominique Callero

NOTARY PUBLIC

