

**IN THE CIRCUIT COURT OF THE THIRD
JUDICIAL CIRCUIT IN AND FOR
COLUMBIA COUNTY, FLORIDA**

**STATE OF FLORIDA)
COUNTY OF COLUMBIA)**

AFFIDAVIT IN SUPPORT OF AN ARREST WARRANT

Before me, _____ Judge of the Third Judicial Circuit of Florida, appeared Affiant, Investigator Amanda Huston, a Law Enforcement Officer of the Medicaid Fraud Control Unit of the Office of the Attorney General, who first being duly sworn, deposes and states that she has reason to believe that certain laws of the State of Florida have been violated, in particular: Neglect of Elderly Persons or Disabled Adults, Florida Statute 825.102 (3)(a)(1), Abuse of an Elderly Person or Disabled Adult, Florida Statute 825.102(1)(b), and Failure to Report a Case of Abuse, Neglect, or Exploitation of a Vulnerable Adult, Florida Statute 415.111(1) and that the facts tending to establish probable cause for this affidavit are as follows:

Your Affiant, a Law Enforcement Officer, has been employed with the Medicaid Fraud Control Unit (MFCU) since August of 2006. Prior to employment with MFCU, your Affiant was a Financial Investigator with the Florida Department of Financial Services, Office of Fiscal Integrity, and was an Investigator with the State of Florida, Office of the Inspector General, for more than three years. Your Affiant was also employed as an analyst with the Federal Bureau of Alcohol, Tobacco and Firearms for more than two years. Your Affiant has also served as a Law Enforcement Officer with the Florida Supreme Court, Office of the Marshal, for nine months. During the Affiant's tenure as an Investigator with these departments, I have personally conducted and coordinated numerous criminal investigations, the majority of which were criminal fraud investigations. In addition to receiving an excess of 350 hours of investigations training, I have also received specialized training in Health Care Fraud from the National Association of Medicaid Fraud Control Units (NAMFCU). Furthermore, your Affiant

matriculated at Florida State University, where I earned a Bachelor of Science and a Master of Science in Criminology.

GENERAL ALLEGATIONS

BACKGROUND

The Medicaid Program is a jointly funded program between Federal and State governments that provides medical assistance and health coverage for categories of individuals whose income and resources are insufficient to meet the costs of medical services. The Medicaid Program is authorized by Title XIX of the Social Security Act. In Florida, the Medicaid Program is authorized by Chapter 409, Florida State Statutes and Chapter 59G, Florida Administrative Code. The Medicaid Fraud Control Unit (hereinafter, "MFCU") exists to investigate fraud in the Medicaid Program in the State of Florida. MFCU also investigates the abuse, neglect and exploitation of elderly persons who reside in facilities in Florida that receive Medicaid Program funding. The MFCU is under the authority and supervision of the State of Florida, Office of the Attorney General.

INVESTIGATIVE SUMMARY

On or about May 9, 2007, your Affiant was assigned to investigate a complaint of abuse (2007-381176) made to the Florida Department of Children and Families, Adult Protective Services. The complaint alleged that P.N.*, a disabled adult, is a resident in the Craft Group Home, located at 932 SE Adams Street, High Springs, Florida, and has injuries on both arms which are symmetrical and are 360 degrees around her right forearm and left wrist. This abuse report also alleged that P.N.'s injuries appear to be caused by restraints and/or rope burns. P.N. is diagnosed with profound mental retardation, psychotic disorder, and seizure disorder. She is unable to communicate verbally or otherwise with Investigators in conjunction with this investigation. Your Affiant's investigation established the following facts:

On May 9, 2007, Investigators Amanda Huston and Robert Rosado interviewed, Patricia Spence. Spence stated that on May 8, 2007, Columbia ARC staff observed bruising on both of P.N.'s arms. Spence said that the bruises look like some type of

restraint, possibly a rope, was used to tie down P.N.'s arms. Spence added that "Gloria," the van driver for Suwannee Valley Transit Authority (SVTA), drove P.N. back to the Craft home on May 8th and reported that a worker at the Craft home told her that when P.N.'s foot was injured they had to "tie her down" to keep her from getting up out of her wheelchair.

Huston and Rosado then visited the Craft Group Home and made contact with Audrey and Robert Craft (owners/operators). Ms. Craft stated that Robert Craft is the owner, and she provides meals, medications, and assistance with activities of daily living (ADLs) for the clients. She stated that the clients are bathed/showered every other day and she provides this care.

Ms. Craft stated that in February 2007, P.N. sustained a spiral fracture to her ankle when she fell during a seizure. She said that she took P.N. to the emergency room and they placed a soft cast on her. Ms. Craft said that she tried numerous times to get P.N. seen by an Orthopaedist to have a hard cast made, but by the time she could get a Medicaid provider to see her, her injury was healed. Ms. Craft denied restraining P.N. in any way. Ms. Craft denied seeing any bruises on P.N.'s arms. When Huston showed Ms. Craft photographs of the injuries on both of P.N.'s arms, she denied having any information about the cause of the injuries. When Huston asked if she saw the bruises while bathing P.N., Ms. Craft again denied seeing any bruises.

On May 14, 2007, Investigators Huston and Kenneth Kleiss interviewed Ms. Reatha Parrish. Initially, Parrish denied noticing the bruises on P.N.'s arms prior to MFCU's visit to the Craft Group Home on May 9th. She also denied knowing the origin of the injuries. When Huston confronted Parrish with information obtained thus far in the investigation, Parrish stated that she was afraid to talk about what she knows because she could lose her job. Parrish stated that Audrey Craft utilized velcro straps to restrain P.N.'s arms because she continually tried to tear off the soft cast on her fractured ankle. She added that she observed these straps on P.N. on several occasions while she had the cast, but Ms. Craft stopped using them when the injuries were observed on her arms. Parrish also stated that after MFCU Investigators visited the Craft Group Home on May 9, 2007, Ms. Craft told her that she would "prefer that she not discuss" P.N.'s

injuries with anyone.

On May 14, 2007, while at the Group Home, Patricia Hall (Mr. Craft's mother), produced a pair of homemade mittens (crafted like oven mitts) that she claimed to have given to Audrey Craft. Then, Ms. Craft produced a velcro strap and a soft cast with ace bandage. Ms. Craft stated that she did not initially tell Investigators what happened with P.N.'s bruises on her arms because she was scared. She said that she utilized the mitts and velcro straps to restrain P.N.'s arms because she would repeatedly try to pull off the soft cast on her fractured ankle. She stated that she immediately stopped using the straps when she noticed the injuries on P.N.'s arms. She also identified all of the items as the actual ones used on P.N. Investigator Kleiss asked Ms. Craft if she is aware of the requirements to self-report client injuries and she responded that "yes" she is aware. When Kleiss asked why she did not self-report P.N.'s injuries to her arms, she stated that "I was scared to."

On May 15, 2007, Investigators Huston and Kleiss interviewed Ms. Gloria Jean Dennis, driver, SVTA. Dennis stated that one evening when she dropped off P.N. at the Craft Home, a female worker (NFI) at the group home told her (unsolicited) that because P.N. kept trying to get up, they had to "tie her down," so that she would not put weight on her fractured ankle.

On May 18, 2007, Investigator Huston interviewed Ms. Geneva Ziller, Waiver Support Coordinator (WSC), Adept Support Coordination, Inc (Adept). Ziller stated that she visited the Craft Group Home on March 14, 2007, and Ms. Craft made P.N. stand up to show that her cast was hard enough to walk on. Ziller stated that when P.N. stood up, her face wrinkled and she screamed out in pain. She said that Ms. Craft wanted to show that P.N. was fit to go back to the day program at CARC, because "she could not afford to pay staff to stay at home with her all day."

Huston submitted P.N.'s medical records to Medical Investigator Catherine Cone for her review. Cone provided the following report (in part): "On 2/17/07, facility staff took P.N. to North Florida Regional Medical Center (NFRMC) for an evaluation. The Consent for Treatment was signed by Audrey Craft as the "care giver." P.N. was examined by Felip Rodriguez, (Physician Assistant for Dr. Glass), and he referred her to

Dr. Jaffe, for follow up and was given a prescription for Percocet 5 milligrams, one orally every 6 hours as needed (#20 count). Discharge instructions were provided to Audrey Craft, whose signature is on the instruction documents. The instructions included: 1) Elevation of leg, 2) Ice over injured area every 2 hours for first 24 hours then 3-4 times daily for next day or two, 3) Use crutches or walker DO NOT PUT WEIGHT on the splint.

There is no documentation from Craft's Group Home to support any of these interventions were carried out. The Medication Administration Records (MARs) from February and March 2007 do not reflect the administration of any pain medications including the prescribed Percocet. There are no narrative handwritten notes from 2/17/07 until 2/28/07 when the notes indicate, Dr. Kim called and advised author to take P.N. back to ER for Dr. to re-examine her ankle due to Medicaid problems. There is no narrative of this visit, but on the "Health Care Tracking" document, there is an entry dated 3/13/07, "back to ER @ NFRMC since no ortho would see her ...she wasn't seen by a Dr. and was referred again." This would be a full 13 days after Craft's Group Home was advised by Dr. Kim to take P.N. to the ER. There is no explanation for the delay. The consultative visit to Dr. Marvin Vice on 3/22/07 revealed "...the patient was given a prescription for an ankle stirrup brace. I told them she needs to stay in the brace anytime she is weight bearing, but she can get around with it on and she can go to work to her job site with it on. The patient is to stay in the brace for maybe about five or six weeks."

On May 25, 2007, Dr. Vice provided a letter regarding P.N. whereby he stated that when P.N. presented "...for a re-check on 05/08/07...she did not have her ankle stirrup on that I ordered originally. She had no brace on at that time....I did review the pictures of the brace she had on from the emergency room. This was obviously not the same brace that I ordered or gave her to wear after she in came [sic] on her initial visit on 03/22/07."

On May 29, 2007, Huston received Medicaid billing records for P. N. (recipient ID #194113912) from MFCU Analyst Michelle Fairbanks. The billing records for medical claims indicate that the prescription for a left ankle stirrup brace, issued by Dr. Marvin

Vice, on March 22, 2007, was not billed to Medicaid as of May 1, 2007.

On May 24, 2007, Huston and Rosado interviewed Audrey and Robert Craft. Ms. Craft said that she had the velcro straps around the house because “she used them to move furniture.” Contrary to her original statement, Ms. Craft stated that she only used these restraints one time and on that afternoon, she noticed bruises on P.N.’s arms and that one of her hands was swollen, so she removed the restraints. When shown the discharge instructions from NFRMC, Ms. Craft confirmed that she executed this document. She stated that she did not ice P.N.’s ankle, provided no ibuprofen or aspirin, and provided no pain medication. Craft stated that she does not remember seeing a prescription for pain medication for P.N. and does not remember filling one. Mr. Craft stated that he did not know that Ms. Craft used the restraints (velcro straps and mittens) on P.N. He stated that he did not notice her injuries on her arms. He stated that he was not involved in her treatment after her ankle fracture.

Based on the aforementioned facts, statements and the totality of circumstances, Investigator Amanda Huston, who being duly sworn, deposes and says that she has reason to believe that probable cause does exist, in that AUDREY CANDICE CRAFT, a white female with a date of birth of 03-09-75, committed one (1) felony count of: (1) neglect of an elderly person or disabled adult, by failing to arrange for appropriate medical care as ordered by an Emergency Room Physician for P.N., a disabled adult under her care, after she suffered a spiral fracture of her left ankle, failing to timely fill and provide P.N.’s prescription for pain medication, and failing to follow the physician’s orders after P.N. was seen by an Orthopaedist, in violation of Florida Statutes 825.102 (3)(a)(1); (2) one (1) felony count of abuse of an elderly person or disabled adult, by wilfully utilizing velcro straps to restrain both arms of P.N., a disabled adult under her care, causing injury and bruising to both arms, in violation of Florida Statutes 825.102(1)(b); and (3) one (1) misdemeanor count of failure to report a case of abuse, neglect or exploitation of a vulnerable adult, by failing to report a case of abuse, neglect, or exploitation of a vulnerable adult, in violation of Florida Statutes 415.111(1) and against the peace and dignity of the State of Florida.

WHEREFORE, your Affiant prays that an Arrest Warrant be issued commanding the Sheriffs of the State of Florida, all and singular, their Deputies, the Commissioner of the Florida Department of Law Enforcement, any of his duly constituted agents, the Attorney General's Director of Medicaid Fraud and his duly appointed Law Enforcement Investigators and all Florida police officers with the proper and necessary assistance, to arrest AUDREY CANDICE CRAFT.

Amanda Huston, Law Enforcement Officer
Medicaid Fraud Control Unit

Sworn and subscribed on this _____ day of _____, 2007.

County/Circuit Court Judge
Third Judicial Circuit of Florida

*The names of the Medicaid recipients have been reduced to initials to avoid the disclosure of confidential information pursuant to, inter alia, Federal HIPAA regulations and Section 409.920(8)(f) (2004), Florida Statutes.

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“Gloria,” the van driver for Suwannee Valley Transit Authority (SVTA), drove P.N. back to the Craft home on May 8th and reported that a worker at the Craft home told her that when P.N.’s foot was injured they had to “tie her down” to keep her from getting up out of her wheelchair.

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produced a pair of homemade mittens (crafted like oven mitts) that she claimed to have given to Audrey Craft. Then, Ms. Craft produced a velcro strap and a soft cast with ace bandage. Ms. Craft stated that she did not initially tell Investigators what happened with P.N.'s bruises on her arms because she was scared. She said that she utilized the mitts and velcro straps to restrain P.N.'s arms because she would repeatedly try to pull off the soft cast on her fractured ankle. She stated that she immediately stopped using the straps when she noticed the injuries on P.N.'s arms. She also identified all of the items as the actual ones used on P.N. Investigator Kleiss asked Ms. Craft if she is aware of the requirements to self-report client injuries and she responded that "yes" she is aware. When Kleiss asked why she did not self-report P.N.'s injuries to her arms, she stated that "I was scared to."

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Elevation of leg, 2) Ice over injured area every 2 hours for first 24 hours then 3-4 times daily for next day or two, 3) Use crutches or walker DO NOT PUT WEIGHT on the splint.

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Based on the aforementioned facts, statements and the totality of circumstances, Investigator Amanda Huston, who being duly sworn, deposes and says that she has reason to believe that probable cause does exist, in that ROBERT TIMOTHY CRAFT, a white male with a date of birth of 12-02-74, committed two (2) separate felony counts of neglect of an elderly person or disabled adult and one (1) misdemeanor count of failure to report a case of abuse, neglect or exploitation of a vulnerable adult by: (1) failing to arrange for appropriate medical care as ordered by an Emergency Room Physician for P.N., a disabled adult under his care, after she suffered a spiral fracture of her left ankle, failing to timely fill and provide P.N.'s prescription for pain medication, and failing to follow the physician's orders after P.N. was seen by an Orthopaedist; and (2) failing to make a reasonable effort to prevent Audrey Candice Craft from utilizing velcro straps to restrain both arms of victim, P.N., a disabled adult under his care, causing injury and bruising to both arms, in violation of Florida Statutes 825.102 (3)(a)(1); and (3) failing to report a case of abuse, neglect, or exploitation of a vulnerable adult, in violation of Florida Statutes 415.111(1), and against the peace and dignity of the State of Florida.

WHEREFORE, your Affiant prays that an Arrest Warrant be issued commanding the Sheriffs of the State of Florida, all and singular, their Deputies, the Commissioner of the Florida Department of Law Enforcement, any of his duly constituted agents, the Attorney General's Director of Medicaid Fraud and his duly appointed Law Enforcement Investigators and all Florida police officers with the proper and necessary assistance, to arrest ROBERT TIMOTHY CRAFT.

Amanda Huston, Law Enforcement Officer
Medicaid Fraud Control Unit

Sworn and subscribed on this _____ day of _____, 2007.

County/Circuit Court Judge
Third Judicial Circuit of Florida

*The names of the Medicaid recipients have been reduced to initials to avoid the disclosure of confidential information pursuant to, inter alia, Federal HIPAA regulations and Section 409.920(8)(f) (2004), Florida Statutes.