

1 THE COURT: May this witness be excused?

2 MS. LEWIS: Yes.

3 THE COURT: Thank you, ma'am. You are
4 excused. Call your next witness.

5 MS. LEWIS: Vantrice Crayton.

6 THE COURT: Ms. Lewis, has this witness been
7 sworn?

8 MS. LEWIS: Yes.

9 THE COURT: You may proceed.

10 VANTRICE CRAYTON,
11 having first been duly sworn, testified as followed:

12 DIRECT EXAMINATION

13 BY MS. LEWIS:

14 Q. Please state your name?

15 A. Vantrice Crayton.

16 Q. And where are you employed?

17 A. Currently, I'm with the Health and Human
18 Commission, Office of Inspector General, Medicaid Fraud
19 Integrity.

20 Q. And what are your duties there?

21 A. Well, now, I'm a manager of about 12 people who
22 investigate Medicaid fraud; but before that, I was an
23 investigator.

24 Q. Was that in 2005, 2006 era?

25 A. Yes.

1 Q. Give us a brief description of your background
2 and training that qualifies you to do the work that you
3 did in 2005, 2006 as an investigator.

4 A. After I graduated from college, I applied with
5 the Health and Human Service Commission, got hired as a
6 Medicaid worker; and one of the duties with that was
7 investigating complaints.

8 I basically certified the elderly or
9 disabled for Medicaid benefits. I also investigated
10 complaints; and basically after that, I just promoted. I
11 did different things. With every job that I had, it
12 involved investigation.

13 Q. I'm directing you back to '06 when you were an
14 investigator; is that right?

15 A. That's correct.

16 Q. At some point, did you become involved in an
17 investigation involving Perkins Mobility?

18 A. Yes, I did.

19 Q. How did you become involved in that
20 investigation?

21 A. I received an inquiry or the State of Texas
22 received an inquiry for individuals who apply for Medicaid
23 TBI, which is a Medicaid number. So Perkins Mobility
24 applied for a Medicaid number. So that's the first
25 encounter I had. I was the person given that assignment,

1 rather.

2 Q. You did the initial inspection?

3 A. Yes, I did.

4 Q. Can you describe what's involved in an
5 inspection?

6 A. It's an impromptu inspection. It's not
7 announced. You just walk in and you give the individual
8 or individuals your business card and you tell them you're
9 with the State of Texas. "I'm here to do an impromptu
10 inspection based upon your inquiry or your request for a
11 Medicaid TBI."

12 You ask a series of questions such as,
13 "How long have you been in business? Why are you
14 acquiring this Medicaid TBI? Who will you be servicing?
15 Who will you get your supplies from? What will the
16 supplies be?" And take a couple of pictures just to
17 substantiate this is going to be a legitimate business and
18 not a store front.

19 Q. Is there a checklist involved?

20 A. There's a series of questions, yes.

21 Q. And after conducting this inspection, did you
22 have report?

23 A. An impromptu report basically stating what I saw
24 and what I talked to. At that time -- now we have a
25 format; but at that time, we had just started doing it so

1 it was just a couple of questions we asked.

2 But the pictures basically substantiate
3 you took pictures of the inventory. You had to make sure
4 that it looked like it was going to be a legitimate
5 business, not just some empty room.

6 Q. And did it appear legitimate?

7 A. Yes, it did.

8 Q. Can you describe some of the things you saw at
9 the business?

10 A. It was in a suite. It's like a bunch of these
11 offices, but a suite. The door had the name, Perkins
12 Mobility, and the address, the hours of operation. It was
13 one of those clear glasses where you can see through.

14 I went in and introduced myself. It was
15 like a little waiting area with a desk and a chair, maybe,
16 and a couple of durable medical equipment supplies. I
17 don't remember if it was a walker. It was like canes. It
18 wasn't a whole lot of stuff.

19 Q. Was there incontinent supplies there?

20 A. I didn't see any incontinent supplies.

21 Q. Was there other type of durable medical
22 equipment?

23 A. Yes, correct.

24 Q. How large was this space?

25 A. I'm not good with square foot; but I'd say twice

1 the size of that little section back to the exit sign,
2 maybe. Maybe two rooms, three rooms. It wasn't very big.

3 Q. Is there anything -- after the inspection, did
4 you have a chance to encounter Perkins again?

5 A. Yes.

6 Q. And what was the nature of that encounter?

7 A. Because I was the individual who performed the
8 inspection for the Medicaid TPI, I was given the
9 assignment when there was a complaint with Perkins
10 Mobility.

11 Basically, there is someone -- at that
12 time, Carol Klunk who was our nurse analyst, she would
13 just do impromptu searches for a particular billing
14 patterns; and this provider billed for the same three
15 incontinent supplies over and over again.

16 MR. MARTIN: Objection to hearsay unless it's
17 based on personal knowledge.

18 THE COURT: Sustained.

19 MS. LEWIS: Judge, can we approach?

20 THE COURT: Yes, you may.

21 MS. LEWIS: I think this may be a good time
22 to take our morning break.

23 THE COURT: At this time, we're going to take
24 our morning break a little bit early so I can take up a
25 matter outside the presence of the jury. You will go with

1 THE COURT: Ms. Lewis, you may proceed.

2 MS. LEWIS: Thank you, Your Honor.

3 Q. (BY MS. LEWIS) Ms. Crayton, before we broke --
4 before we had our morning break, we were at the point
5 where you had your second encounter with Perkins Mobility.
6 How does an investigation get assigned to you?

7 A. The complaints come from Austin. Our
8 headquarters is in Austin. We're housed here in Houston.
9 So intake is there. So when a complaint in through the
10 hotline, either it be through the phone or mail or
11 wherever it is, that's where the complaint is assembled.
12 Then it's sent to the different regions. So I received a
13 complaint from Austin.

14 Q. Okay. And once you receive a complaint, what is
15 the first step in your investigation?

16 A. The first step is to read the allegations. The
17 second is to run a business objects report.

18 Q. What does the business objects report tell you?

19 A. It looks at the billing patterns for that
20 particular provider for a certain time frame.

21 Q. And what did this BOR tell you?

22 A. It showed --

23 MR. MARTIN: Objection. Hearsay, Judge.

24 THE COURT: It's just a document.

25 MS. LEWIS: Your Honor, it's already in

1 evidence.

2 THE COURT: It's overruled.

3 MR. MARTIN: Can they then refer to a
4 specific State's exhibit?

5 MS. LEWIS: Yes, Your Honor.

6 Q. (BY MS. LEWIS) What does the BOR, Exhibit No.
7 22 -- when you analyzed Perkins' BOR, what did you see?

8 A. A pattern of the same three incontinent supplies,
9 which would be extra large diapers, underpads and wipes.
10 All clients do not wear extra large diapers; but for each
11 one of these clients, that's what was billed -- extra
12 large diaper, wipes and underpants.

13 Q. Did you determine how much money was received by
14 Perkins?

15 A. \$397,296.67.

16 Q. Where was the business located?

17 A. 9030 North Freeway, 206, in Houston, Texas,
18 Harris County, Texas.

19 Q. Are you familiar with these locations?

20 A. Yes.

21 MS. LEWIS: May I approach?

22 THE COURT: You may.

23 Q. (BY MS. LEWIS) I'm showing you State's Exhibit
24 143. Can you please identify this exhibit? Can you
25 identify the exhibit?

1 A. Yes.

2 Q. What is it?

3 A. Exhibit 143 and it's a map of the North Freeway
4 and other streets, and it has the 900 North Freeway
5 address.

6 Q. Does it fairly and accurately represent the
7 location you visited?

8 A. Yes.

9 MS. LEWIS: State offers State's 143.

10 (State's Exhibit No. 143 was offered into
11 evidence.)

12 MR. MARTIN: No objection, Judge, to 143.

13 THE COURT: It's admitted.

14 (State's Exhibit No. 143 was admitted into
15 evidence.)

16 Q. (BY MS. LEWIS) Does this show the location of
17 Perkins Mobility?

18 A. Yes.

19 Q. Is this address in Harris County, Houston, Texas?

20 A. Yes, it is.

21 Q. Did you visit this location?

22 A. Yes, I did, on two different occasions.

23 Q. Why would you visit the location?

24 A. The first was for the Medicaid TPI application.

25 Q. Which you've already testified to; is that right?

1 A. Yes.

2 Q. Okay.

3 A. The second is when I went to collect records
4 based on the complaint that I received from Austin.

5 Q. Why do you collect records?

6 A. The records are what substantiate the billing
7 patters in addition to the business objects report. The
8 business objects report tells what recipients were billed
9 for.

10 Q. How many records did you requests?

11 A. 1,237; but the business was out -- it was out of
12 business when I went there.

13 Q. Did you make other attempts contact the owner?

14 A. I tried to call the number that was listed on the
15 enrollment application for TMHP but it was disconned and I
16 could see through the door of the window that the room was
17 vacant. It looked totally different from when I went back
18 in June of 2006.

19 Q. Now, did that conclude your investigation?

20 A. No. I went back to the office and called my
21 manager and told him that we needed to put the provider on
22 immediate payment hold to stop payment.

23 Q. Okay. And is that standard?

24 A. Yes.

25 Q. Did you do anything else?

1 A. Wrote up a case summary.

2 Q. Did you speak to any...

3 A. I took three recipients' statements to
4 substantiate, the find out if they actually received the
5 supplies or even if they needed it.

6 Q. You cannot say what someone else told you. Okay?

7 A. Okay.

8 Q. Were these in person or on the phone?

9 A. They were on the phone.

10 Q. And do you recall who you spoke with?

11 A. Yes, I do.

12 Q. Who did you speak with me?

13 A. I spoke with Sooner Bell, Elva Vega and --

14 MR. MARTIN: Judge, just for record purposes,
15 she's testifying from a document that's not been admitted
16 into evidence. If she needs her memory refreshed, they
17 can certainly ask to refresh her memory.

18 THE COURT: Sustained.

19 MS. LEWIS: Thank you, Your Honor.

20 Q. (BY MS. LEWIS) Ms. Crayton, did you prepare the
21 report?

22 A. Yes, I did.

23 Q. Do you need to use it to refresh your memory?

24 A. Yes.

25 Q. When you called the three people -- the three

1 recipients, what type of information do you want to glean
2 from them?

3 A. I'll ask first, have they ever heard of the
4 provider? Do they have a need for incontinent supplies?
5 And have they ever ordered or received any from the
6 provider?

7 Q. And did the recipients answer your question?

8 A. Yes, they did.

9 Q. And did that complete your investigation?

10 A. Yes.

11 Q. Let's go back to the recipients you interviewed.
12 Can you please identify their addresses?

13 A. Yes, I can, Sooner Bell's address is 15314 Winter
14 Midst.

15 MS. VOLLMAN: Judge, can we approach real
16 quick?

17 THE COURT: Yes.

18 MS. VOLLMAN: Our last witness is in here.
19 Can we swear him in and let him go?

20 THE COURT: What's his name?

21 MS. VOLLMAN: Robert Turner.

22 THE COURT: Mr. Turner, can you approach the
23 Bench and get sworn, please? And then we'll ask you to
24 wait outside.

25 THE CLERK: (Sworn.)

1 MR. MARTIN: Judge, would you please admonish
2 the witness regarding the witness exclusion rule?

3 THE COURT: Mr. Turner, let me just tell you
4 that the Rule has been invoked. Which means, you cannot
5 be in the courtroom when another witness is testifying.
6 You also cannot discuss your testimony with the other
7 witnesses. So if you will go outside with the bailiff, we
8 need to get some phone numbers from you so they can
9 contact you when it's time for your testimony? Okay.

10 All right, Ms. Lewis, you may proceed.

11 MS. LEWIS: Thank you, Your Honor.

12 Q. (BY MS. LEWIS) Ms. Crayton, you were identifying
13 the address for the recipients.

14 A. For Sooner Bell, 15314 Winter Midst in San
15 Antonio, Texas with a zip of 78247; Elva Vega, 8718 Laqure
16 Lane, San Antonio, Texas 78247; and Mar Flores, 2611 Kings
17 Wheeling Avenue, San Antonio, Texas 78247.

18 MS. LEWIS: Pass the witness, Your Honor.

19 THE COURT: Mr. Martin.

20 MR. MARTIN: Thank you, Judge.

21 CROSS-EXAMINATION

22 BY MR. MARTIN:

23 Q. Good morning, ma'am.

24 A. Good morning or good afternoon.

25 Q. Excuse me, good early afternoon. I do have a

1 couple of questions for you. Your investigation focused
2 strictly on Perkins Mobility, correct?

3 A. Correct.

4 Q. And you indicated that you went out there as part
5 of an initial inspection. Do you remember that direct
6 testimony?

7 A. Excuse me?

8 Q. Do you remember the direct testimony about your
9 initial inspection about Perkins Mobility?

10 A. Yes, I do.

11 Q. There was nothing about that initial inspection
12 that involved or related to Marcus Jefferson; is that
13 true?

14 A. True.

15 Q. And later, you indicated that based off of a
16 complaint, you pulled what you state as an acronym of a
17 BOR?

18 A. Business objects report.

19 Q. Will you state again what that stands for,
20 please?

21 A. Business objects report.

22 Q. Okay. My notes had that incorrectly. I
23 apologize.

24 A. No problem.

25 Q. My fault. And on those business objects report,

1 it has a lot of information that's pertinent and relevant
2 to what you do and what you're looking for, correct?

3 A. Correct.

4 Q. And it gives you a lot of information that can
5 lead to a lot of other questions and inquiry areas,
6 correct?

7 A. Possibly.

8 Q. There was nothing on the BOR that either named
9 Marcus Jefferson or related to Marcus Jefferson; isn't
10 that true?

11 A. That's correct.

12 Q. You also indicated that you took three statements
13 from various recipients, I believe, you called them?

14 A. Yes.

15 Q. Now, were these recipients also be known,
16 generally, as patients? Or is recipient a Medicaid term?

17 A. Well, recipients are patients of doctors.
18 Providers don't provide care like a doctor would.

19 Q. Okay. But these are recipients of the --

20 A. Medicaid Program of Texas.

21 Q. So still talking about three people?

22 A. Right.

23 Q. And your questions to these three people, none of
24 your questions related to Marcus Jefferson?

25 A. Correct.

1 Q. And the answers you recieved from these three
2 people, none of the answers related or referred to Marcus
3 Jefferson?

4 A. Correct.

5 MR. MARTIN: Pass.

6 THE COURT: Anything further?

7 MS. LEWIS: We're done, Your Honor.

8 THE COURT: May this witness be excused?

9 MS. LEWIS: Yes, she may.

10 THE COURT: Thank you, ma'am. You may be
11 excused. Call your next witness.

12 MS. VOLLMAN: Consuelo Chavez.

13 THE COURT: Ma'am, have you already been
14 sworn in?

15 THE WITNESS: Yes.

16 MS. VOLLMAN: May I proceed, Judge?

17 THE COURT: Yes, you may.

18 CONSUELO CHAVEZ,
19 having first been duly sworn, testified as followed:

20 DIRECT EXAMINATION

21 BY MS. VOLLMAN:

22 Q. Could you please tell us your name and where you
23 work?

24 A. My name is Consuelo Chavez, Consuelo Torres
25 Chavez; and I'm a employeed by Universal America.