

**SUPPRESSED**

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TERRY L. WAELTERMEN, JR.,

Defendant.

Criminal No. 15-40049-smv

Title 18, United States Code  
Section 1347

**FILED**

**JUN 02 2015**

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS  
BENTON OFFICE

**INDICTMENT**

**THE GRAND JURY CHARGES:**

1. **TERRY L. WAELTERMEN, JR.** defrauded the State of Illinois Medicaid Home Services Program by falsely claiming and taking payments for personal assistant services not actually performed. The State of Illinois pays a personal assistant hourly wages for performance of services for a qualified beneficiary. The qualified beneficiary must have a written Employment Agreement with the personal assistant and/or an Individual Provider Payment Policies form. The qualified beneficiary must have a Service Plan listing all services to be provided. In order for the personal assistant to receive payment from the State of Illinois, the beneficiary must submit a Home Services Program Time Sheet form listing the hours worked by the personal assistant and signed by both the beneficiary and personal assistant.

2. The Home Services Program is a Medicaid Waiver Program designed to provide a disabled individual who, with assistance in performing daily living activities in the home, would not require similar care in a nursing home. The Illinois Department of Human Services, Division of Rehabilitation Services (DORS) administers the program. Medicaid Waiver programs enable states to

use both state and federal Medicaid funds to pay for services related to medical care that would not ordinarily be covered under Medicaid.

3. On June 18, 2012, WAELTERMEN signed a DHS Division of Rehabilitation Services (DORS) Individual Provider Payment Policies form (IL488-2252) acknowledging his understanding of DORS Home Services policies including:

- *Individual Providers can only be paid for the hours they worked for the customer per the HSP Service Plan. Billing for hours not worked constitutes Medicaid fraud.*
- *Individual Providers can only be paid for hours and tasks performed in the customer's home unless the task must be completed outside the home such as laundry due to no facilities in the home, banking, and grocery shopping.*
- *Individual Providers cannot work if the customer is out of the home, i.e. in a nursing facility, hospitalized, on vacation, etc. However, there are some exceptions that are allowable, such as the counselor gives prior approval and the request meets the policy guidelines. Please contact the counselor to address any questions before risking non-payment of services provided.*
- *Individual Providers are not allowed to subcontract. Subcontracting means letting someone else work in your place, putting the time on your time sheet and then paying them yourself. This is not only an illegal practice but also causes problems with Social Security withholding. Each Individual Provider will only be paid for services which he or she provided directly to the customer.*

4. From on or about April 15, 2013 through on or about December 31, 2013, in furtherance of a scheme to defraud the Medicaid Home Services Program for the State of Illinois,

**WAEFTERMEN** submitted Home Service Time Sheets of which he falsely claimed hours of personal assistant services that were not performed on the dates and times as reported on the Home Services Time Sheets. **WAEFTERMEN** signed each time sheet under the following printed information:

*I certify that the above information is true and in accordance with the Individual Provider Payment Policies (IL488-2252). I understand falsification of any information submitted on this form could lead to criminal prosecution.*

**COUNT 1**

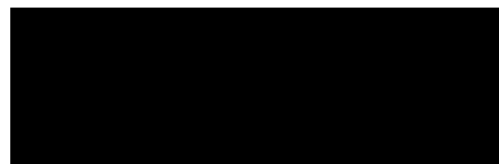
**Health Care Fraud**



5. Paragraphs 1 through 4 are re-alleged and incorporated in Count 1.
6. On or about April 15, 2013 through on or about December 31, 2013, in Williamson County, within the Southern District of Illinois,

**TERRY L. WAEFTERMEN, JR.**

defendant, did knowingly and willfully execute a scheme to defraud a health care benefit program, affecting interstate commerce as defined in Title 18, United States Code, Section 24(b), namely Medicaid, in connection with the delivery of and payment for health care benefits and services by submitting time sheets and receiving payment for personal assistant services not performed, in violation of Title 18, United States Code, Section 1347.

**A TRUE BILL**



  
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STEPHEN R. WIGGINTON  
United States Attorney  
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MICHAEL J. HALLOCK  
Assistant United States Attorney  
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WILLIAM E. COONAN  
Assistant United States Attorney

Recommended Bond: \$5,000 unsecured