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FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

HARRY CRAWFORD,
ELMA MYLES,
and
MATTHEW HIGHTOWER
Defendants

CLERK'S OFFICE
AT BALTIMORE
BY _____ DEPUTY

CRIMINAL NO. MJG-15-0322

(Conspiracy to Commit Health Care
Fraud, 18 U.S.C. § 1349; Health Care
Fraud, 18 U.S.C. § 1347, Aggravated
Identity Theft, 18 U.S.C. § 1028A;
Aiding & Abetting, 18 U.S.C. § 2 and
Forfeiture Allegation)

INDICTMENT

COUNT ONE

(Conspiracy to Commit Health Care Fraud)

The Grand Jury for the District of Maryland charges that:

At all times relevant:

1. Defendants **HARRY CRAWFORD** ("CRAWFORD"), **ELMA MYLES** ("MYLES"), **MATTHEW HIGHTOWER** ("HIGHTOWER") were residents of Baltimore City.

2. **CRAWFORD** owned and operated RX Resources and Solutions (hereinafter "RXRS") located at 9633 Liberty Road, Suite M, Randallstown, Maryland 21133. RXRS was a provider of durable medical equipment including hospital beds and wheelchairs and disposable medical supplies including adult incontinence products, diabetic test strips, and wound care items.

3. RXRS was incorporated in Maryland in 2003 and subsequently authorized by the Maryland Department of Health and Mental Hygiene (DHMH) to provide durable medical

equipment and disposable medical supplies. RXRS never employed more than approximately seven (7) individuals at any one time.

4. **CRAWFORD** was the President and Chief Executive Officer (CEO) of RXRS and in that capacity, he ordered inventory, hired and fired employees and, at times, delivered disposable medical supplies.

5. **MYLES** worked at RXRS. **MYLES** was responsible for, among other things, billing health care benefit programs for RXRS.

6. Beginning in or about early 2012, **HIGHTOWER** worked as a delivery driver for RXRS.

7. RXRS provided covered disposable medical supplies and durable medical equipment to individual Medicaid recipients whose doctors had prescribed such supplies and equipment for them. RXRS would bill Medicaid or private insurance carriers for the items using patients' names unique identification numbers. These patients included ASm, ASa, BS, EJ, EL, DJ, GJ, IH, JM, MB, MS, RL, SC, and SE. Most of RXRS's business consisted of making claims for adult incontinence supplies (diapers) for these and other patients.

8. Medicaid is a health care benefit program as defined under Title 18, United States Code, Section 24(b), that is, a public or private plan or contract plan, affecting commerce, under which a medical benefit, item, or service is provided to individuals, and for which payment may be made under the plan or contract. Medicaid is a joint federal and state program that provides medical assistance for certain individuals and families with low income and resources. Many private insurance companies are also health care benefit programs and provide coverage for medical benefits, items and services.

9. RXRS would submit claims to Medicaid or other health benefit providers on paper or electronically. The claims were required to contain the following: the beneficiary's name and unique identification number; the name and unique provider identification number of the doctor who ordered the item or service; the item or service that was provided by the supplier and the quantity; the date of service; and the charge for the item or service. RXRS was required to maintain accurate records regarding the provision of any disposable medical supply or durable medical equipment.

The Charge

10. No later than 2010 for defendants **CRAWFORD** and **MYLES**, and beginning in or about May 2012 for defendant **HIGHTOWER**, and continuing through in or about May 2014, the exact dates being unknown to the Grand Jury, in the District of Maryland, the defendants,

**HARRY CRAWFORD,
ELMA MYLES,
and
MATTHEW HIGHTOWER,**

did willfully and knowingly combine, conspire, confederate and agree with each other and others known and unknown to the Grand Jury, to violate Title 18, United States Code, Section 1347, that is, to knowingly execute a scheme and artifice to defraud a health care benefit program affecting commerce, as defined in Title 18, United States Code, section 24(b), that is, Medicaid, and other health care benefit programs, and for obtaining, by means of materially false and fraudulent pretenses, representations, and promises, money and property owned by, and under the custody and control of, said health care benefit program, in connection with the delivery of and payment for health care benefits, items, and service.

Object of the Conspiracy and the Scheme to Defraud

11. It was the object of the conspiracy and scheme to defraud to obtain money from Medicaid and other health benefit programs by (1) billing for supplies never provided; (2) billing for amounts far in excess of the actual amounts delivered; (3) billing for supplies that were unneeded and where no physician had prescribed the supplies.

Manner and Means of the Conspiracy and the Scheme to Defraud

12. It was part of the conspiracy that the defendants, and others known and unknown to the Grand Jury, would and did receive and use personal identification information (hereinafter "PII"), including names, addresses, and unique identification numbers, in order for RXRS to submit false and fraudulent claims.

13. It was further part of the conspiracy and scheme to defraud that the defendants, and others known and unknown to the Grand Jury, caused RXRS to routinely submit claims to health care benefit programs to include Medicaid for disposable medical supplies to include adult incontinence items that were not delivered or received by the beneficiary.

14. It was further part of the conspiracy and scheme to defraud that the defendants, and others known and unknown to the Grand Jury, caused RXRS to routinely submit claims to health care benefit programs to include Medicaid for disposable medical supplies when the amount delivered to the beneficiaries was significantly less than the amounts stated in the claims.

15. It was further part of the conspiracy and scheme to defraud that the defendants, and others known and unknown to the Grand Jury, caused RXRS to routinely submit claims to health care benefit programs to include Medicaid for disposable medical supplies, when the supplies were delivered to beneficiaries who did not need the supplies and whose physicians had

not prescribed the supplies, and even after the beneficiaries reported that they did not need or want the supplies.

16. It was further part of the conspiracy and scheme to defraud that **HIGHTOWER** would sign or cause someone else to sign delivery tickets when deliveries had not actually taken place or when the beneficiary did not receive the items so that the records of RXRS would falsely document the delivery. **HIGHTOWER** would provide the forged and fraudulent delivery tickets to RXRS as part of his duties and responsibilities.

17. It was further part of the conspiracy and scheme to defraud that the defendants personally profited from the scheme either through ownership or through salary paid from proceeds of the fraud scheme.

18 U.S.C. § 1349

COUNT TWO
(Health Care Fraud)

1. The allegations of Paragraphs 1 through 9 and 11 through 17 of Count One are realleged and incorporated here.

2. No later than 2010 for defendants **CRAWFORD** and **MYLES**, and beginning in or about May 2012 for defendant **HIGHTOWER**, and continuing through in or about May 2014, the exact dates being unknown to the Grand Jury, in the District of Maryland, the defendants,

HARRY CRAWFORD,
ELMA MYLES,
and
MATTHEW HIGHTOWER,

in connection with the delivery of and payment for health care benefits, did knowingly and willfully execute, and attempt to execute, a scheme and artifice to defraud Medicaid and other health care benefit programs, affecting commerce, as defined by 18 U.S.C. § 24(b), and for obtaining, by means of materially false and fraudulent pretenses, representations, and promises, money and property owned by, and under the custody and control of, said health care benefit programs, that is: the defendants caused the submission of claims to health care benefit programs that falsely and fraudulently sought payment for disposable medical supplies such as adult incontinence supplies that were represented in claims as having been provided and needed by beneficiaries when, in fact, the supplies were not provided, was not delivered in the amounts billed, or was not medically necessary.

18 U.S.C. § 1347

18 U.S.C. § 2

COUNT THREE
(Aggravated Identity Theft)

The Grand Jury for the District of Maryland further charges that:

As early as 2010 for defendants **CRAWFORD** and **MYLES**, and May 2012 for defendant **HIGHTOWER**, and continuing through in or about May 2014, the exact dates being unknown to the Grand Jury, in the District of Maryland, the defendants,

HARRY CRAWFORD,
ELMA MYLES,
and
MATTHEW HIGHTOWER,

did, during and in relation to a felony violation enumerated in 18 U.S.C. § 1028A(c), knowingly transfer, possess and use, without lawful authority, a means of identification of another person; to wit, the defendants used or caused to be used the actual name and unique insurance identification numbers of numerous beneficiaries, during and in relation to a violation of 18 U.S.C. § 1349 (Health Care Fraud Conspiracy) and 18 U.S.C. § 1347 (Health Care Fraud) as charged in Counts One and Two of this Indictment and incorporated here.

18 U.S.C. § 1028A(a)
18 U.S.C. § 2

FORFEITURE ALLEGATIONS

The Grand Jury for the District of Maryland further charges that:

1. As a result of the offense alleged in Counts One and Two, the defendants,

**HARRY CRAWFORD,
ELMA MYLES,
and
MATTHEW HIGHTOWER,**

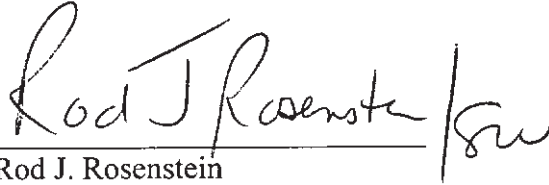
shall forfeit to the United States any and all property, real and personal, constituting or derived, directly or indirectly, from gross proceeds traceable to the offense, including, but not limited to: approximately \$900,000 in cash.

2. If, as a result of any act or omission of the defendant, any such property subject to forfeiture:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property.

18 U.S.C. § 982(a)(7)
21 U.S.C. § 853


Rod J. Rosenstein
United States Attorney

A TRUE BILL:

SIGNATURE REDACTED

Foreperson
Date: June 3, 2015