

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

UNITED STATES OF AMERICA )

Plaintiff, )

vs. )

BETSY J. GUTOWSKI, )

Defendant.

Criminal No. 17-40046 - SMY

Title 18, United States Code, Section 1347

**FILED**

**JUL 12 2017**

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

**INDICTMENT**

**THE GRAND JURY CHARGES:**

1. **BETSY J. GUTOWSKI** 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 and the personal assistant must sign 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 October 25, 2011, GUTOWSKI completed an Employment Agreement between Customer and Personal Assistant with a qualified Medicaid beneficiary identified hereafter as T.S.

4. From on or about December 1, 2011 through on or about October 15, 2012, in furtherance of a scheme to defraud the Medicaid Home Services Program for the State of Illinois, GUTOWSKI submitted Home Services Program Time Sheets on which she falsely claimed hours of personal assistant services on December 9, 10, 12, 13, 15, 16, 17, 19, 20, 22, 23, 26, 27, 29, 30, 31 2011, January 1, 2, 3, 5, 6, 8, 9, 10, 12, 13, 15, 16, 17, 19, 20, 21, 23, 24, 26, 27, 28, 30, 31, 2012, February 1, 2, 3, 4, 6, 7, 9, 10, 11, 13, 14, 16, 17, 18, 20, 21, 23, 24, 25, 27, 28, 29, 2012, March 1, 2, 2012, May 8, 2012, and October 3, 5, 6, 8, 9, 10, 12, 13, and 15, 2012, that were not performed on the dates and times reported on the Home Services Program Time Sheets due to T.S. being hospitalized or in a nursing home.

GUTOWSKI signed each time sheet under the following printed information:

*I CERTIFY THE ABOVE INFORMATION IS TRUE AND THAT THE CUSTOMER WAS IN HIS/HER HOME AT THE TIME SERVICES WERE RENDERED (NOT ON VACATION, IN HOSPITAL, IN NURSING HOME, ETC.).*

**COUNT 1**

**Healthcare Fraud**

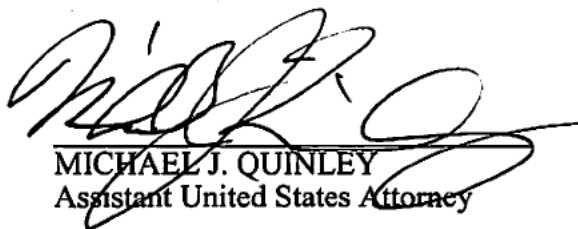
Paragraphs 1 through 4 are re-alleged and incorporated in Count I.

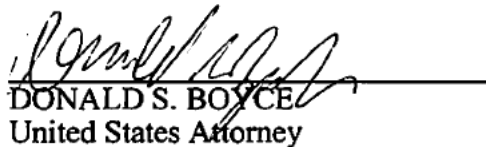
On various dates from December 1, 2011 through on or about October 15, 2012, in Saline County, within the Southern District of Illinois,

**BETSY J. GUTOWSKI,**

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**

  
MICHAEL J. QUINLEY  
Assistant United States Attorney

  
DONALD S. BOYCE  
United States Attorney

Recommended Bond: \$5,000 unsecured