IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. 26-
v.	:	VIOLATION: 18 U.S.C. § 1347 (healthcare fraud – 1 count)
SEAN MURRAY	:	18 U.S.C. § 1343 (wire fraud – 9 counts) 18 U.S.C. § 2 (aiding and abetting)
	:	Notice of forfeiture

INDICTMENT

COUNT ONE
(Healthcare Fraud)

THE GRAND JURY CHARGES THAT:

BACKGROUND

At all times material to this indictment:

1. Home Care Company 1, an entity known to the grand jury, was a home health agency incorporated in or about June 2017 under the laws of the Commonwealth of Pennsylvania, with its principal place of business located in the 7900 block of Limekiln Pike, Philadelphia, Pennsylvania. Home Care Company 1 was in the business of providing personal assistance services or "home care" services to patients in their private residences, often reimbursed by Medicaid. Since 2020, Home Care Company 1 has received approximately $54 million in Medicaid reimbursements for home care services provided by its aides to individuals in the greater-Philadelphia area. Currently, Home Care Company 1 employs approximately 400 personal care attendants or "home care" aides.

2. Defendant SEAN MURRAY was an employee at Home Care Company 1 who worked as a home care aide beginning in or about September 2019 and extending through

May 2026. In addition, defendant MURRAY acted as a recruiter for Home Care Company 1, in a role titled "liaison" by the company, and he was paid commissions in return for recruiting individuals to enroll as clients of Home Care Company 1.

3. Medicaid was a health care benefit program, as defined by 18 U.S.C. §24(b), that is jointly funded by federal and state governments. On the federal side, Medicaid was overseen by the Centers for Medicare and Medicaid Services (CMS), of the Department of Health and Human Services. On the state side, in Pennsylvania, Medicaid was overseen by the Pennsylvania Department of Human Services and is also known as the "Medical Assistance" program. A person covered by Medicaid may be referred to as a recipient, a consumer, or a beneficiary.

4. CMS allowed states to apply for Home and Community-Based Services waiver programs authorized in Section 1915(c) of the Social Security Act. Home and Community-Based Services waiver programs permit a state to furnish an array of home and community-based services that assist Medicaid beneficiaries to live in the community and avoid institutionalization.

5. Pennsylvania designed and received CMS approval for a Home and Community-Based Services waiver program called the Community HealthChoices Waiver Program ("Waiver Program"). Pennsylvania's Waiver Program was operated by the state's Department of Health and Human Services. The Waiver Program permitted Medicaid to pay for, among other things, home and community-based personal assistance services for recipients who otherwise would have needed to live in a nursing home because of disability but instead chose to receive personal care services in a home or other community-based setting. To receive coverage for home care services, these Medicaid-eligible beneficiaries had to enroll with a Managed Care Organization ("MCO"), which in turn was the entity that approved the number of hours of home

care services for which a beneficiary was eligible, and it paid for the services that were provided. Each managed care organization that participated in Pennsylvania's Waiver Program is known to the grand jury and was itself a health care benefit program, affecting commerce, under which medical benefits, items, or services were provided.

6. The types of home care services provided to beneficiaries of Pennsylvania's Waiver Program included assisting individuals with completing their daily living activities, performing health maintenance activities, providing routine support services, accompanying individuals into the community, and providing incidental homemaker tasks. These services were commonly performed by aides who worked as employees of home care agencies such as Home Care Company 1.

7. To be eligible for home care services in Pennsylvania, as part of the Waiver Program, a beneficiary had to meet nursing facility level of care criteria, have a physical disability, and choose to receive long-term services and support in a home setting.

8. Home care services provided as part of Pennsylvania's Waiver Program, through aides of a home care agency, were billed for and reimbursed by Medicaid in 15-minute increments.

9. Under the rules governing Pennsylvania's Waiver Program, authorized home care services that could be provided under the program, and compensated for by Medicaid, were a set of activities or services specified in a service plan, that generally had to be performed in the presence of the beneficiary and in the home of the beneficiary, for the purpose of ensuring the health and welfare of the beneficiary. Certain activities "when incidental to [home care services] and necessary to complete activities of daily living" were also authorized, such as

"[a]ccompanying the participant into the community for purposes related to [home care services], such as shopping in a grocery store" or "picking up medications" for the beneficiary. Transporting a beneficiary for medical appointments was also a permitted service. *See* Community Health Choices Waiver Service Definitions, Appendix C-3 ("Waiver Service Specifications").

10. Section 12006(a) of the 21st Century Cures Act mandated that states implement Electronic Visit Verification ("EVV") for all Medicaid home care services that require an in-home visit by a provider.

11. The EVV system was used by home care agencies to record and document how many hours a caregiver provided personal assistance services to the recipient of those services. The EVV system captured information including the following data:

a. Type of service performed;

b. Individual receiving the service;

c. Date of service;

d. Individual providing the service; and

e. Time the service began and ended.

12. Information could be entered into the EVV system through a mobile device application, by calling a designated phone number from the service location, or through a web-based portal. That is, caregivers could "clock in" and "clock out" of the EVV system—thereby recording the time they began to provide personal assistance services to a recipient and the time they ceased providing services—through using either a mobile app or calling a

designated telephone number, and corrections to those entries could be made by the home care agency through a web-based portal. Paper timesheets could serve as a backup for times when the use of the EVV system was not possible for technical reasons.

13. Caregivers were responsible for checking in and checking out for each shift by using the EVV system.

14. Home care agencies could contract with one of several third-party providers of EVV software and web-based platforms, including HHA eXchange ("HHAX"). HHAX was a popular software program among home care agencies in Philadelphia and its surrounding counties for logging EVV information. When a home care agency used HHAX to record EVV information related to the work of the agency's personal care assistants, that information was transmitted to the MCOs for the purposes of submitting reimbursement claims. HHAX used servers to host its data that were located in the Commonwealth of Virginia.

THE SCHEME TO DEFRAUD

15. Defendant SEAN MURRAY defrauded Pennsylvania's Medicaid program, as well as two participating Managed Care Organizations ("MCOs"), entities both known to the grand jury and referred to herein as Managed Care Organization 1 ("MCO 1") and Managed Care Organization 2 ("MCO 2"), by causing the submission of false and fraudulent claims for home care services to numerous clients for whom defendant MURRAY was the assigned caregiver at Home Care Company 1 but for whom defendant MURRAY did not actually render the billed-for home care services.

16. Between January 2019 and January 2026, defendant SEAN MURRAY was an assigned caregiver for at least five separate clients enrolled with Home Care Company 1, namely

Client 1, Client 2, Client 3, Client 4, and Client 5, persons known to the grand jury. In the case of each client, defendant MURRAY routinely caused hundreds of hours of home care services to be clocked-in and clocked-out of the EVV system for home care services purportedly rendered by him to these clients, for periods of time when defendant MURRAY was not providing any home care services to his clients but was in fact engaged in other endeavors, such as traveling for pleasure, exercising at the gym, carrying on social engagements, spending time at the office of Home Care Company 1, or sleeping.

17. During his time working as an aide with Home Care Company 1, defendant SEAN MURRAY caused over $400,000 in claims to be billed to Medicaid and participating MCOs for services rendered to his assigned clients, including over $250,000 that was billed to MCO 1 and MCO 2 for services purportedly rendered by defendant MURRAY to Client 1, Client 2, Client 3, Client 4, and Client 5.

18. To obtain and retain beneficiaries for whom he could bill the MCOs and Medicaid without actually providing services, and to maintain the cooperation of those beneficiaries, defendant SEAN MURRAY often entered into fee-splitting agreements with his clients, through which defendant MURRAY would split with his assigned clients a portion of the wages he received from Home Care Company 1 so that the clients received kickback benefits for their participation in the scheme.

<u>Client 1</u>

19. Defendant SEAN MURRAY was assigned by Home Care Company 1 to work as a home care aide for Client 1, from on or about January 1, 2019, to on or about November 8, 2019. During his time assigned to Client 1, defendant MURRAY billed, or cause to be billed,

approximately 3,240 hours of home care services for Client 1. These billings resulted in reimbursements of approximately $64,800, paid by MCO 1 and MCO 2 to Home Care Company 1, pursuant to the Pennsylvania Waiver Program. Defendant MURRAY, in turn, received weekly paychecks from Home Care Company 1, remunerating him for his alleged home care services for Client 1.

20. Defendant SEAN MURRAY routinely made or caused fraudulent EVV entries to be made for home care services purportedly provided to Client 1. The EVV entries reflected that defendant MURRAY was generally providing about ten hours of home care services to Client 1 a day. In fact, defendant MURRAY provided Client 1 far fewer than ten hours of home care services a day for services that would qualify under the Pennsylvania Waiver Program.

21. Defendant SEAN MURRAY compensated Client 1 for Client 1's participation in the scheme to fraudulently bill Medicaid and MCO 1, for home care not actually rendered to Client 1, by paying Client 1 a portion of MURRAY's earnings from Home Care Company 1. For example, on or about November 13, 2019, defendant MURRAY reminded Client 1, "I give you $1,600 a month." Three days later, defendant MURRAY told Client 1, "I will treat you just like everyone else that gives there [sic] clients half of the money."

<u>Client 2</u>

22. Defendant SEAN MURRAY was assigned by Home Care Company 1 to work as a home care aide for Client 2 from on or about November 25, 2019, to on or about January 17, 2021. During his time assigned to Client 2, defendant MURRAY billed, or cause to be billed, approximately 3,400 hours of home care services for Client 2. These billings resulted in reimbursements of approximately $68,000, paid by MCO 2 to Home Care Company 1, pursuant to

the Pennsylvania Waiver program. Defendant MURRAY, in turn, received weekly paychecks from Home Care Company 1, remunerating him for his alleged home care services for Client 2.

23. Defendant SEAN MURRAY routinely made or caused fraudulent EVV entries to be made for home care services he purportedly provided to Client 2. The EVV entries reflected that defendant MURRAY generally provided about 12 hours of home care services to Client 2 a day. In fact, defendant MURRAY provided Client 2 far fewer than 12 hours of home care services a day. Defendant MURRAY compensated Client 2 for Client 2's participation in the scheme to fraudulently bill Medicaid and MCO 2 for home care services not actually rendered to Client 2, by paying Client 2 a portion of defendant MURRAY's earnings from Home Care Company 1.

Client 3

24. Defendant SEAN MURRAY was assigned by Home Care Company 1 to work as a home care aide for Client 3 from on or about September 5, 2022, to on or about May 20, 2024. During his time assigned to Client 3, defendant MURRAY billed, or cause to be billed, approximately 5,100 hours of home care services for Client 3. These billings resulted in reimbursements of approximately $102,500, paid by MCO 1 to Home Care Company 1, pursuant to the Pennsylvania Waiver Program. Defendant MURRAY, in turn, received weekly paychecks from Home Care Company 1 remunerating him for his alleged home care services for Client 3.

25. Defendant SEAN MURRAY routinely made or caused fraudulent EVV entries to be made for home care services he purportedly provided to Client 3. The EVV entries reflected that defendant MURRAY typically provided ten hours per day of home care services to Client 3. However, defendant MURRAY provided Client 3 with far fewer than ten hours of home

care services a day. For example, defendant MURRAY caused EVV entries to be made reporting that between March 21, 2024 and March 25, 2024, defendant MURRAY provided Client 3 with approximately 30 hours of home care services. However, during that same period of time, defendant MURRAY was on a cruise with Norwegian Cruise Lines and was not providing Client 3 with any home care services.

26. Defendant SEAN MURRAY compensated Client 3 for Client 3's participation in the scheme to fraudulently bill Medicaid and MCO 1 for home care services not actually rendered to Client 3, by paying Client 3 a portion of defendant MURRAY's earnings from Home Care Company 1. In just over two years, defendant MURRAY paid Client 3 tens of thousands of dollars in kickbacks.

Client 4

27. Defendant SEAN MURRAY was assigned by Home Care Company 1 to work as a home care aide for Client 4 from on or about July 1, 2024, to on or about January 26, 2025. During his time assigned to Client 4, defendant MURRAY billed, or cause to be billed, approximately 1,600 hours of home care services for Client 4. These billings resulted in reimbursements of approximately $33,000, paid by MCO 1 to Home Care Company 1, pursuant to the Pennsylvania Waiver Program. Defendant MURRAY, in turn, received weekly paychecks from Home Care Company 1, remunerating him for his alleged home care services for Client 4.

28. Defendant SEAN MURRAY routinely made or caused fraudulent EVV entries to be made for home care services he purportedly provided to Client 4. The EVV entries reflected that defendant MURRAY was generally providing about eight hours of home care services a day to Client 4. However, defendant MURRAY provided Client 4 with far fewer than eight hours

of home care services a day. For example, defendant MURRAY caused EVV entries to be made reporting that he had provided Client 4 with approximately 8.5 hours of home care services on September 18, 2024, and with approximately eight hours of home care services on January 10, 2025, when defendant MURRAY was in fact elsewhere during those times.

29. Defendant SEAN MURRAY caused EVV entries to be made reporting that he provided Client 4 with approximately 32 hours of home care services between November 22, 2024, and November 25, 2024, when defendant MURRAY was in fact on vacation in Florida, and not in the presence of Client 4.

30. Defendant SEAN MURRAY compensated Client 4 for Client 4's participation in the scheme to fraudulently bill Medicaid and MCO 1, for home care services not actually rendered to Client 4, by paying Client 4 a portion of MURRAY's earnings from Home Care Company 1 and by providing Client 4 with cocaine.

Client 5

31. Defendant SEAN MURRAY was assigned by Home Care Company 1 to work as a home care aide for Client 5 from on or about February 18, 2025, to on or about January 22, 2026. During his time assigned to Client 5, defendant MURRAY billed, or cause to be billed, at least approximately 510 hours of home care services for Client 5. These billings resulted in reimbursements of at least approximately $10,000, paid by MCO 1 pursuant to the Pennsylvania Waiver program. Defendant MURRAY, in turn, received weekly paychecks from Home Care Company 1, remunerating him for his alleged home care services for Client 5.

32. Defendant SEAN MURRAY routinely made or caused fraudulent EVV entries to be made for home care services he purportedly provided to Client 5. The EVV entries

reflected that defendant MURRAY was generally providing about two hours of home care services a day to Client 5. However, defendant MURRAY provided Client 5 with far fewer than two hours of home care services a day. For example, defendant MURRAY caused EVV entries to be made reflecting that he provided Client 5 with two hours of home care services on May 15, 2025, when defendant MURRAY was in fact having lunch at a restaurant with an acquaintance. Defendant MURRAY caused EVV entries to be made reflecting that he provided Client 5 with two hours of home care services on June 10, 2025, when defendant MURRAY was at another location and not in the presence of Client 5.

33. From on or about January 1, 2019, to in or about January 2026, in the Eastern District of Pennsylvania and elsewhere, defendant

SEAN MURRAY

devised and intended to devise a scheme and artifice to defraud a health care benefit program, as defined in Title 18, United States Code, Section 24(b), that is, Pennsylvania Medicaid ("PA Medicaid"), MCO 1, and MCO 2, and to obtain money and property owned by and under the custody and control of them, by means of materially false and fraudulent pretenses, representations, and promises, in connection with the delivery of and payment for health care benefits, items and services, in violation of Title 18, United States Code, Section 1347.

MANNER AND MEANS

It was part of the scheme that:

34. In his capacity as a home care aide employed by Home Care Company 1, defendant SEAN MURRAY was assigned to provide home care services for clients, enrolled with Home Care Company 1, who were approved for home care services related to toileting,

bathing, showering, dressing, meal preparation, grocery store shopping, and transportation for approved appointments. As the assigned caregiver, defendant MURRAY undertook a duty to perform approved and authorized home care services and related tasks for the clients to whom he was assigned.

35. Defendant SEAN MURRAY performed, or caused to be performed, EVV clock-ins and clock-outs for home care services that were false and fraudulent in that defendant MURRAY did not in fact provide all of the services that he claimed to have provided.

36. Defendant SEAN MURRAY caused two Managed Care Organizations participating in the Pennsylvania Waiver Program, namely MCO 1 and MCO 2, to be billed for home care services rendered by defendant MURRAY for approved home care clients, when in truth and in fact defendant MURRAY had not performed all of those services.

37. Defendant SEAN MURRAY received payments from Home Care Company 1 based on reimbursements paid by MCO 1 and MCO 2 to Home Care Company 1 for home care services purportedly rendered by him that defendant MURRAY that he had not performed.

38. In exchange for his clients' participation in his scheme, defendant SEAN MURRAY provided kickbacks to his clients.

All in violation of Title 18, United States Code, Sections 1347 and 2.

COUNTS 2 THROUGH 10
(Wire Fraud)

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 32 and 34 through 38 of Count One are incorporated here.

2. At all times between January 2019 and January 2026, in furtherance of the scheme, defendant SEAN MURRAY caused false claims for reimbursement to be submitted by Home Care Company 1 to MCO 1 and MCO 2 by means of wire communications transmitted in interstate commerce to servers in the Commonwealth of Virginia from the Eastern District of Pennsylvania.

3. On or about each of the dates set forth below, in the Eastern District of Pennsylvania and elsewhere, defendant

SEAN MURRAY,

having devised and intending to devise a scheme to defraud, and to obtain money and property by means of false and fraudulent pretenses, representations and promises, and for the purpose of executing the scheme to defraud, knowingly transmitted and caused to be transmitted by means of wire communication in interstate and foreign commerce, the writings, signs, signals, pictures, and sounds described below, each count constituting a separate offense:

Count	Approximate Date Range	Client	Hours of Care Billed	Approximate Amount Reimbursed	
2	March 21, 2024 – March 25, 2024	Client 3	30	$645.60	
3	July 31, 2024	Client 4	8	$172.16	
4	September 18, 2024	Client 4	8	$172.16	

Count	Approximate Date Range	Client	Hours of Care Billed	Approximate Amount Reimbursed	
5	November 22, 2024- November 25, 2024	Client 4	32	$688.64	
6	January 10, 2025	Client 4	8	$172.16	
7	May 1, 2025	Client 5	2	$43.04	
8	May 6, 2025	Client 5	2	$43.04	
9	May 27, 2025	Client 5	2	$43.04	
10	June 5, 2025	Client 5	2	$43.04	

All in violation of Title 18, United States Code, Section 1343.

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violations of Title 18, United States Code, Sections 1343, 1347 as set forth in this indictment, defendant

SEAN MURRAY

shall forfeit to the United States of America any property, real or personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of the offenses

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

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold to, or deposited with, a third party;

(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 divided 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 the defendant up to the value of the property subject to forfeiture.

All pursuant to Title 18, United States Code, Section 982(a)(7).

A TRUE BILL:

[redacted]

Salvatore L. Astolfi for
DAVID METCALF
UNITED STATES ATTORNEY

*No.*__________

UNITED STATES DISTRICT COURT

Eastern District of Pennsylvania

Criminal Division

THE UNITED STATES OF AMERICA

vs.

SEAN MURRAY

INDICTMENT

Counts
18 U.S.C. § 1347 (healthcare fraud) – 1 count
18 U.S.C. § 1343 (wire fraud) – 9 counts
18 U.S.C. § 2 (aiding and abetting)
Notice of Forfeiture

[redacted]

Filed in open court this 23rd day,
Of July A.D. 20 26

Clerk

Bail, $ ____________

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

INDICTMENT

DESIGNATION FORM

Address of Plaintiff: 615 Chestnut Street, Suite 1250, Philadelphia, PA 19106-4476

Post Office: Philadelphia County: Philadelphia

City and State of Defendant: Philadelphia, PA

County: Philadelphia Register number: 52073-066

Place of accident, incident, or transaction: Eastern District of Pennsylvania

Post Office: Philadelphia County: Philadelphia

RELATED CASE, IF ANY:

Criminal cases are deemed related when the answer to the following question is "yes".

Does this case involve a defendant or defendants alleged to have participated in the same action or transaction, or in the same series of acts or transactions, constituting an offense or offenses?

YES/NO: No

Case Number: Judge:

CRIMINAL: (Criminal Category - FOR USE BY U.S. ATTORNEY ONLY)

1. ○ Antitrust

2. ○ Income Tax and other Tax Prosecutions

3. ○ Commercial Mail Fraud

4. ○ Controlled Substances

5. ○ Violations of 18 U.S.C. Chapters 95 and 96 (Sections 1951-55 and 1961-68) and Mail Fraud other than commercial

6. ◉ General Criminal

18 U.S.C. § 1347 (healthcare fraud – 1 count); 18 U.S.C. § 1343 (wire fraud – 9 counts); 18 U.S.C. § 2 (aiding & abetting); Notice of Forfeiture

DATE: July 23, 2026

s/ Angella N. Middleton
Angella N. Middleton
Assistant United States Attorneys

/s/ Sara A. Solow
Sara A. Solow
Assistant United States Attorneys

U.S. v. Constantly Caring Home Care
2024R00450