

IN THE COMMON PLEAS COURT
FRANKLIN COUNTY, OHIO
CRIMINAL DIVISION

CASE NO:

STATE OF OHIO
COUNTY OF FRANKLIN, ss:

STEVEN L. HITCHENS,
and
AUTUMN HEALTH CARE OF ZANESVILLE,
INC.,

Defendants.

INDICTMENT FOR:

STEVEN L. HITCHENS:

Engaging in a Pattern of Corrupt Activity, First
Degree Felony, R.C. §2923.32, One Count;

Theft by Deception, Fourth Degree Felony, R.C.
§2913.02(A)(3), One Count;

Medicaid Fraud, Fourth Degree Felony, R.C.
§2913.40(B), Two Counts;

Medicaid Fraud, Fifth Degree Felony, R.C.
§2913.40(B), One Count;

Telecommunications Fraud, Third Degree Felony,
R.C. §2913.05(A), One Count;

Telecommunications Fraud, Fifth Degree Felony,
R.C. §2913.05(A), One Count;

Tampering with Evidence, Third Degree Felony,
R.C. §2921.12(A), Two Counts;

Tampering with Records, Third Degree Felony,
R.C. §2913.42(A), Five Counts;

Forgery, Fifth Degree Felony, R.C. §2913.31(A),
Seventeen Counts;

Attempted Tampering with Records, Fourth Degree Felony, R.C. §2913.42(A) and R.C. §2923.02(A), One Count;

Attempted Telecommunications Fraud, First Degree Misdemeanor, R.C. §2913.05(A) and R.C. §2923.02(A), One Count;

Unlawful Operation of Nursing Home, R.C. §4751.02, Unclassified, Six Counts.

TOTAL: Thirty Nine (39) Counts

AUTUMN HEALTH CARE OF ZANESVILLE, INC.:

Engaging in a Pattern of Corrupt Activity, First Degree Felony, R.C. §2923.32, One Count;

Theft by Deception, Fourth Degree Felony, R.C. §2913.02(A)(3), One Count;

Medicaid Fraud, Fourth Degree Felony, R.C. §2913.40 (B), One Count;

Telecommunications Fraud, Third Degree Felony, R.C. §2913.05(A), One Count;

Telecommunications Fraud, Fifth Degree Felony, R.C. §2913.05(A), One Count;

Tampering with Evidence, Third Degree Felony, R.C. §2921.12(A), Two Counts;

Forgery, Fifth Degree Felony, R.C. §2913.31(A), Nine Counts;

TOTAL: Sixteen (16) Counts

In the Court of Common Pleas, Franklin County, Ohio, of the Special Grand Jury term beginning the 28th day of March 2014.

The jurors of the Special Grand Jury of the State of Ohio, duly selected, impaneled and sworn, on their oaths, in name and by the authority of the State of Ohio for all periods material to this Indictment, do find and present that:

COUNT ONE – ENGAGING IN A PATTERN OF CORRUPT ACTIVITY,
STEVEN L. HITCHENS

From on or about January 1, 2008, to on or about August 31, 2013, in Franklin County, Ohio, Muskingum County, Ohio, Licking County, Ohio, and/or Perry County, Ohio, or otherwise venued pursuant to Ohio Revised Code §2901.12, as a continuing course of criminal conduct, STEVEN L. HITCHENS did conduct or participate in, directly or indirectly, the affairs of an enterprise through a pattern of corrupt activity in violation of Ohio Revised Code §2923.32.

The Grand Jurors further find and specify that the “pattern of corrupt activity” consists of, but is not limited to, two or more of the offenses charged in this Indictment, to wit: Theft by Deception as charged in Counts 2 and 41; Telecommunications Fraud as charged in Counts 4, 16, 43, and 53 ; Tampering with Evidence as charged in Counts 7, 9, 44, and 46; Tampering with Records as charged in Counts 21, 22, 24, 26, and 28; and Forgery as charged in Counts 8, 10 to 15 (inclusive), 19, 20, 23, 25, 27, 29-33 (inclusive), 45, 47 to 52 (inclusive), 54, and 55.

The most serious offense in the pattern of corrupt activity is a felony of the third degree, to wit: Telecommunications Fraud as charged in Counts 4 and 43; Tampering with Evidence as charged in Counts 7, 9, 44, and 46; and Tampering with Records as charged in Counts 21, 22, 24, 26, and 28 of this Indictment.

The Grand Jurors further find and specify that the “enterprise” consists of Defendant HITCHENS and/or others known that include but are not limited to: Autumn Health Care, Inc., Autumn Health Care, LLC, Autumn Health Care of Zanesville, Inc., TheraTrust, Inc., Judi Hughes, Clare Armstrong, Paul Kroll, Wes Shriner, Tammy Turner, Annette Sichina, Krysta

Berkfield, Michael Klingensmith, Heidi Harper, Christina Tedrick, Heidi Gard, Danielle Green, and/or Andy Hooks, associated with the common purpose of tampering with evidence, tampering with records, and committing telecommunications fraud, theft, and forgery in violation of Ohio Revised Code §2923.32, Engaging in a Pattern of Corrupt Activity, a felony of the first degree.

COUNT TWO -- THEFT BY DECEPTION, STEVEN L. HITCHENS

From on or about January 1, 2008, to on or about August 31, 2013, in Franklin County, Ohio, or otherwise venued pursuant to Ohio Revised Code §2901.12, as a continuing course of criminal conduct, STEVEN L. HITCHENS, with purpose to deprive the owner(s)—the Ohio Department of Medicaid (formerly the Ohio Department of Job and Family Services) and/or the federal Medicare program—of property or services, did knowingly and by deception, while soliciting, procuring, aiding, abetting, and/or conspiring with another, obtain or exert control over said property or services, to wit: monies. The value of the property, services, or funds obtained is seven thousand five hundred dollars (\$7,500.00) or more and less than one hundred fifty thousand dollars (\$150,000.00) in violation of Ohio Revised Code §2913.02(A)(3) and §2923.03(A), Theft by Deception, a felony of the fourth degree.

COUNT THREE – MEDICAID FRAUD, STEVEN L. HITCHENS

From on or about April 1, 2012, to on or about August 31, 2013, in Franklin County, Ohio, and/or Muskingum County, Ohio, or otherwise venued pursuant to Ohio Revised Code § 2901.12, as a continuing course of criminal conduct, STEVEN L. HITCHENS did knowingly make or cause to be made false or misleading statements or representations to the Ohio Department of Medicaid (formerly the Ohio Department of Job and Family Services) for the purpose obtaining reimbursement for services purportedly rendered under the Ohio Medical Assistance Program, also known as Medicaid. The value of the property obtained is seven

thousand five hundred dollars (\$7,500.00) or more, and less than one hundred fifty thousand dollars (\$150,000.00) in violation of Ohio Revised Code §2913.40(B), Medicaid Fraud, a felony of the fourth degree.

COUNT FOUR – TELECOMMUNICATIONS FRAUD, STEVEN L. HITCHENS

From on or about April 1, 2012, to on or about July 31, 2013, in Franklin County, Ohio, or otherwise venued pursuant to Ohio Revised Code §2901.12, as a continuing course of criminal conduct, STEVEN L. HITCHENS, having devised a scheme to defraud, did knowingly disseminate, transmit, or cause to be disseminated or transmitted by means of a wire, radio, satellite, telecommunication, telecommunications device, or telecommunications service any writing, data, sign, signal, picture, sound, or image with purpose to execute or otherwise further the scheme to defraud, to wit: the electronic submission of Minimum Data Set assessments containing false and/or misleading statements or representations to the Ohio Department of Medicaid (formerly the Ohio Department of Job and Family Services) for the purpose of obtaining reimbursement from the Ohio Medical Assistance Program, also known as Medicaid. The value of the benefit obtained by the offender or of the detriment to the victim of the fraud is seven thousand five hundred dollars (\$7,500.00) or more, and less than one hundred fifty thousand dollars (\$150,000.00) in violation of Ohio Revised Code §2913.05(A), Telecommunications Fraud, a felony of the third degree.

COUNT FIVE – MEDICAID FRAUD, STEVEN L. HITCHENS

From on or about January 1, 2008, to on or about June 30, 2010, in Franklin County, Ohio, or otherwise venued pursuant to Ohio Revised Code §2901.12, as a continuing course of criminal conduct, STEVEN L. HITCHENS did knowingly make or cause to be made false or misleading statements or representations on family satisfaction surveys for use in obtaining

reimbursement from the Ohio Medicaid Program. The value of the property, services, or funds obtained is seven thousand five hundred dollars (\$7,500.00) or more and less than one hundred fifty thousand dollars (\$150,000.00), in violation of Ohio Revised Code §2913.40(B), Medicaid Fraud, a felony of the fourth degree.

COUNT SIX – MEDICAID FRAUD, STEVEN L. HITCHENS

From on or about January 1, 2010, to on or about June 30, 2012, in Franklin County, Ohio, or otherwise venued pursuant to Ohio Revised Code §2901.12, as a continuing course of criminal conduct, STEVEN L. HITCHENS did knowingly make or cause to be made false or misleading statements or representations on family satisfaction surveys for use in obtaining reimbursement from the Ohio Medicaid Program. The value of the property obtained is one thousand dollars (\$1000.00) or more and less than seven thousand five hundred dollars (\$7,500.00), in violation of Ohio Revised Code §2913.40(B), Medicaid Fraud, a felony of the fifth degree.

COUNT SEVEN – TAMPERING WITH EVIDENCE, STEVEN L. HITCHENS

From on or about January 4, 2013, to on or about January 10, 2013, in Muskingum County, Ohio, as a continuing course of criminal conduct, STEVEN L. HITCHENS, knowing that an official proceeding or investigation was in progress, or was about to be or likely to be instituted, did, while soliciting, procuring, aiding, abetting, and/or conspiring with another, alter, destroy, conceal, or remove records, documents, or things with purpose to impair their value or availability as evidence in such proceeding or investigation; and/or made, presented or used such records, documents, or things, knowing them to be false and with purpose to mislead a public official who was or may have been engaged in such proceeding or investigation, or with purpose to corrupt the outcome of such proceeding or investigation, to wit: nurse's notes and/or medical

records relating to resident M.L., in violation of Ohio Revised Code §2921.12(A) and §2923.03(A), Tampering with Evidence, a felony of the third degree.

COUNT EIGHT – FORGERY, STEVEN L. HITCHENS

From on or about January 4, 2013, to on or about January 10, 2013, in Muskingum County, Ohio, as a continuing course of criminal conduct, STEVEN L. HITCHENS, with purpose to defraud, or knowing that he was facilitating a fraud, did, while soliciting, procuring, aiding, abetting, and/or conspiring with another, forge writings of another without the other person's authority; and/or did forge writings so that they purported to be genuine when the writings were actually spurious, or to have been executed at a time or place or with terms different from what was in fact the case; and/or did utter, or possess with purpose to utter, writings that he knew to have been forged, to wit: nurse's notes and/or medical records relating to resident M.L., in violation of Ohio Revised Code §2913.31(A) and §2923.03(A), Forgery, a felony of the fifth degree.

COUNT NINE – TAMPERING WITH EVIDENCE, STEVEN L. HITCHENS

From on or about April 24, 2012, to on or about April 25, 2012, in Muskingum County, Ohio, as a continuing course of criminal conduct, STEVEN L. HITCHENS, knowing that an official proceeding or investigation was in progress, or was about to be or likely to be instituted, did, while soliciting, procuring, aiding, abetting, and/or conspiring with another, alter, destroy, conceal, or remove records, documents, or things with purpose to impair their value or availability as evidence in such proceeding or investigation; and/or made, presented or used such records, documents, or things, knowing them to be false and with purpose to mislead a public official who was or may have been engaged in such proceeding or investigation, or with purpose to corrupt the outcome of such proceeding or investigation, to wit: medical records relating to

resident M.S., in violation of Ohio Revised Code §2921.12(A) and §2923.03(A), Tampering with Evidence, a felony of the third degree.

COUNT TEN - FORGERY, STEVEN L. HITCHENS

From on or about April 24, 2012, to on or about April 25, 2012, in Muskingum County, Ohio, STEVEN L. HITCHENS, with purpose to defraud, or knowing that he was facilitating a fraud, did, while soliciting, procuring, aiding, abetting, and/or conspiring with another, forge writings of another without the other person's authority; and/or did forge writings so that they purported to be genuine when the writings were actually spurious, or to have been executed at a time or place or with terms different from what was in fact the case; and/or did utter, or possess with purpose to utter, writings that he knew to have been forged, to wit: medical records relating to resident M.S., in violation of Ohio Revised Code §2913.31(A) and §2923.03(A), Forgery, a felony of the fifth degree.

COUNT ELEVEN – FORGERY, STEVEN L. HITCHENS

From on or about September 1, 2012, to on or about August 31, 2013, in Muskingum County, Ohio, as a continuing course of criminal conduct, STEVEN L. HITCHENS, with purpose to defraud, or knowing that he was facilitating a fraud, did, while soliciting, procuring, aiding, abetting, and/or conspiring with another, forge writings of another without the other person's authority; and/or did forge writings so that they purported to be genuine when the writings were actually spurious, or to have been executed at a time or place or with terms different from what was in fact the case; and/or did utter, or possess with purpose to utter, writings that he knew to have been forged, to wit: medication administration records, treatment administration records, nurse's notes, and/or records relating to resident care, in violation of Ohio Revised Code §2913.31(A) and §2923.03(A), Forgery, a felony of the fifth degree.

COUNT TWELVE – FORGERY, STEVEN L. HITCHENS

On or about June 11, 2012, in Muskingum County, Ohio, STEVEN L. HITCHENS, with purpose to defraud, or knowing that he was facilitating a fraud, did, while soliciting, procuring, aiding, abetting, and/or conspiring with another, forge writings of another without the other person's authority; and/or did forge writings so that they purported to be genuine when the writings were actually spurious, or to have been executed at a time or place or with terms different from what was in fact the case; and/or did utter, or possess with purpose to utter, writings that he knew to have been forged, to wit: a Minimum Data Set assessment for resident D.W.J., in violation of Ohio Revised Code §2913.31(A) and §2923.03(A), Forgery, a felony of the fifth degree.

COUNT THIRTEEN – FORGERY, STEVEN L. HITCHENS

On or about June 18, 2012, in Muskingum County, Ohio, STEVEN L. HITCHENS, with purpose to defraud, or knowing that he was facilitating a fraud, did, while soliciting, procuring, aiding, abetting, and/or conspiring with another, forge writings of another without the other person's authority; and/or did forge writings so that they purported to be genuine when the writings were actually spurious, or to have been executed at a time or place or with terms different from what was in fact the case; and/or did utter, or possess with purpose to utter, writings that he knew to have been forged, to wit: a Minimum Data Set assessment for resident R.B., in violation of Ohio Revised Code §2913.31(A) and §2923.03(A), Forgery, a felony of the fifth degree.

COUNT FOURTEEN – FORGERY, STEVEN L. HITCHENS

On or about January 15, 2013, in Muskingum County, Ohio, STEVEN L. HITCHENS, with purpose to defraud, or knowing that he was facilitating a fraud, did, while soliciting,

procuring, aiding, abetting, and/or conspiring with another, forge writings of another without the other person's authority; and/or did forge writings so that they purported to be genuine when the writings were actually spurious, or to have been executed at a time or place or with terms different from what was in fact the case; and/or did utter, or possess with purpose to utter, writings that he knew to have been forged, to wit: a Minimum Data Set assessment for resident C.P., in violation of Ohio Revised Code §2913.31(A) and §2923.03(A), Forgery, a felony of the fifth degree.

COUNT FIFTEEN – FORGERY, STEVEN L. HITCHENS

On or about March 28, 2013, in Muskingum County, Ohio, STEVEN L. HITCHENS, with purpose to defraud, or knowing that he was facilitating a fraud, did, while soliciting, procuring, aiding, abetting, and/or conspiring with another, forge writings of another without the other person's authority; and/or did forge writings so that they purported to be genuine when the writings were actually spurious, or to have been executed at a time or place or with terms different from what was in fact the case; and/or did utter, or possess with purpose to utter, writings that he knew to have been forged, to wit: a Minimum Data Set assessment for resident D.J., in violation of Ohio Revised Code §2913.31(A) and §2923.03(A), Forgery, a felony of the fifth degree.

COUNT SIXTEEN – TELECOMMUNICATIONS FRAUD, STEVEN L. HITCHENS

From on or about May 1, 2012, to on or about September 30, 2012, in Franklin County, Ohio, or otherwise venued pursuant to Ohio Revised Code §2901.12, as a continuing course of criminal conduct, STEVEN L. HITCHENS, having devised a scheme to defraud, did knowingly disseminate, transmit, or cause to be disseminated or transmitted by means of a wire, radio, satellite, telecommunication, telecommunications device, or telecommunications service any

writing, data, sign, signal, picture, sound, or image with purpose to execute or otherwise further the scheme to defraud, to wit: the electronic submission of fraudulent Minimum Data Set assessments, in violation of Ohio Revised Code §2913.05, Telecommunications Fraud, a felony of the fifth degree.

COUNT SEVENTEEN – ATTEMPTED TAMPERING WITH RECORDS,
STEVEN L. HITCHENS

On or about January 29, 2013, in Licking County, Ohio, or otherwise venued pursuant to Ohio Revised Code §2901.12, STEVEN L. HITCHENS, with purpose to defraud, or knowing that he was facilitating a fraud, did attempt to falsify, destroy, remove, conceal, alter, deface, and/or mutilate writings, data, computer software, or records; and/or did attempt to utter such writings or records, knowing them to have been tampered, and such writings or records were kept by the State of Ohio and/or the federal government, to wit: Minimum Data Set assessments containing false and/or fraudulent evaluations for resident activities of daily living for the purpose of maximizing Medicaid reimbursement, in violation of Ohio Revised Code §2913.42(A) and §2923.02(A), Attempted Tampering with Records, a felony of the fourth degree.

COUNT EIGHTEEN – ATTEMPTED TELECOMMUNICATIONS FRAUD,
STEVEN L. HITCHENS

On or about January 29, 2013, in Licking County, Ohio, or otherwise venued pursuant to Ohio Revised Code §2901.12, STEVEN L. HITCHENS, having devised a scheme to defraud, did knowingly attempt disseminate, transmit, or cause to be disseminated or transmitted by means of a wire, radio, satellite, telecommunication, telecommunications device, or telecommunications service any writing, data, sign, signal, picture, sound, or image with purpose to execute or otherwise further the scheme to defraud, to wit: the attempted electronic

submission of Minimum Data Set assessments containing false and/or fraudulent evaluations for resident activities of daily living for the purpose of maximizing Medicaid reimbursement, in violation of Ohio Revised Code §2913.05 and §2923.02(A), Attempted Telecommunications Fraud, a misdemeanor of the first degree.

COUNT NINETEEN – FORGERY, STEVEN L. HITCHENS

From on or about January 2, 2013, to on or about February 4, 2013 in Muskingum County, Ohio, as a continuing course of criminal conduct, STEVEN L. HITCHENS, with purpose to defraud, or knowing that he was facilitating a fraud, did, while soliciting, procuring, aiding, abetting, and/or conspiring with another, forge writings of another without the other person's authority; and/or did forge writings so that they purported to be genuine when the writings were actually spurious, or to have been executed at a time or place or with terms different from what was in fact the case; and/or did utter, or possess with purpose to utter, writings that he knew to have been forged, to wit: medication administration records, treatment administration records, nurse's notes, and/or records relating to the care of resident D.W.J., in violation of Ohio Revised Code §2913.31(A) and §2923.03(A), Forgery, a felony of the fifth degree.

COUNT TWENTY – FORGERY, STEVEN L. HITCHENS

From on or about April 25, 2013, to on or about May 22, 2013, in Muskingum County, Ohio, as a continuing course of criminal conduct, STEVEN L. HITCHENS, with purpose to defraud, or knowing that he was facilitating a fraud, did, while soliciting, procuring, aiding, abetting, and/or conspiring with another, forge writings of another without the other person's authority; and/or did forge writings so that they purported to be genuine when the writings were actually spurious, or to have been executed at a time or place or with terms different from what

was in fact the case; and/or did utter, or possess with purpose to utter, writings that he knew to have been forged, to wit: medication administration records, treatment administration records, nurse's notes, and/or records relating to the care of resident M.J., in violation of Ohio Revised Code §2913.31(A) and §2923.03(A), Forgery, a felony of the fifth degree.

COUNT TWENTY ONE – TAMPERING WITH RECORDS, STEVEN L. HITCHENS

From on or about January 1, 2009, to on or about December 31, 2009, in Perry County, Ohio, and/or Franklin County, Ohio, or otherwise venued pursuant to Ohio Revised Code §2901.12, as a continuing course of criminal conduct, STEVEN L. HITCHENS, with purpose to defraud or knowing that he was facilitating a fraud, did, while soliciting, procuring, aiding, abetting, and/or conspiring with another, falsify, destroy, remove, conceal, alter, deface, and/or mutilate a writing, data, computer software, or record; and/or did utter such a writing or record, knowing it to have been tampered with, and such writing or record was kept by the State of Ohio and/or the federal government, to wit: a writing that was altered and fraudulently submitted to the Ohio Department of Health as a laboratory certificate for Autumn Health Care of Thornville, in violation of Ohio Revised Code §2913.42(A) and §2923.03(A), Tampering with Records, a felony of the third degree.

COUNT TWENTY TWO – TAMPERING WITH RECORDS, STEVEN L. HITCHENS

From on or about September 28, 2009, to on or about September 30, 2009, in Licking County, Ohio, and/or Franklin County, Ohio, or otherwise venued pursuant to Ohio Revised Code §2901.12, as a continuing course of criminal conduct, STEVEN L. HITCHENS, with purpose to defraud or knowing that he was facilitating a fraud, did falsify a writing or record, and/or did utter such a writing or record, knowing it to have been tampered with, and such writing or record was kept by the State of Ohio, to wit: an Application for Annual License

Renewal submitted to the Ohio Department of Health, Board of Examiners of Nursing Home Administrators, in violation of Ohio Revised Code §2913.42(A), Tampering with Records, a felony of the third degree.

COUNT TWENTY THREE – FORGERY, STEVEN L. HITCHENS

From on or about September 28, 2009, to on or about September 30, 2009, in Licking County, Ohio, or otherwise venued pursuant to Ohio Revised Code §2901.12, as a continuing course of criminal conduct, STEVEN L. HITCHENS, with purpose to defraud, or knowing that he was facilitating a fraud, did forge a writing so that it purported to be genuine when the writing was actually spurious, or to have been executed at a time or place or with terms different from what was in fact the case; and/or did utter, or possess with purpose to utter, a writing that he knew to have been forged, to wit: an Application for Annual License Renewal submitted to the Ohio Department of Health, Board of Examiners of Nursing Home Administrators, in violation of Ohio Revised Code §2913.31(A), Forgery, a felony of the fifth degree.

COUNT TWENTY FOUR – TAMPERING WITH RECORDS, STEVEN L. HITCHENS

From on or about December 15, 2010, to on or about December 22, 2010, in Licking County, Ohio, and/or Franklin County, Ohio, or otherwise venued pursuant to Ohio Revised Code §2901.12, as a continuing course of criminal conduct, STEVEN L. HITCHENS, with purpose to defraud or knowing that he was facilitating a fraud, did falsify a writing or record, and/or did utter such a writing or record, knowing it to have been tampered with, and such writing or record was kept by the State of Ohio, to wit: an Application for Annual License Renewal submitted to the Ohio Department of Health, Board of Examiners of Nursing Home Administrators, in violation of Ohio Revised Code §2913.42(A), Tampering with Records, a felony of the third degree.

COUNT TWENTY FIVE – FORGERY, STEVEN L. HITCHENS

From on or about December 15, 2010, to on or about December 22, 2010, in Licking County, Ohio, or otherwise venued pursuant to Ohio Revised Code §2901.12, as a continuing course of criminal conduct, STEVEN L. HITCHENS, with purpose to defraud, or knowing that he was facilitating a fraud, did forge a writing so that it purported to be genuine when the writing was actually spurious, or to have been executed at a time or place or with terms different from what was in fact the case; and/or did utter, or possess with purpose to utter, a writing that he knew to have been forged, to wit: an Application for Annual License Renewal submitted to the Ohio Department of Health, Board of Examiners of Nursing Home Administrators, in violation of Ohio Revised Code §2913.31(A), Forgery, a felony of the fifth degree.

COUNT TWENTY SIX – TAMPERING WITH RECORDS, STEVEN L. HITCHENS

From on or about September 30, 2011, to on or about October 6, 2011, in Licking County, Ohio, and/or Franklin County, Ohio, or otherwise venued pursuant to Ohio Revised Code §2901.12, as a continuing course of criminal conduct, STEVEN L. HITCHENS, with purpose to defraud or knowing that he was facilitating a fraud, did falsify a writing or record, and/or did utter such a writing or record, knowing it to have been tampered with, and such writing or record was kept by the State of Ohio, to wit: an Application for Annual License Renewal submitted to the Ohio Department of Health, Board of Examiners of Nursing Home Administrators, in violation of Ohio Revised Code §2913.42(A), Tampering with Records, a felony of the third degree.

COUNT TWENTY SEVEN– FORGERY, STEVEN L. HITCHENS

From on or about September 30, 2011, to on or about October 6, 2011, in Licking County, Ohio, or otherwise venued pursuant to Ohio Revised Code §2901.12, as a continuing

course of criminal conduct, STEVEN L. HITCHENS, with purpose to defraud, or knowing that he was facilitating a fraud, did forge a writing so that it purported to be genuine when the writing was actually spurious, or to have been executed at a time or place or with terms different from what was in fact the case; and/or did utter, or possess with purpose to utter, a writing that he knew to have been forged, to wit: an Application for Annual License Renewal submitted to the Ohio Department of Health, Board of Examiners of Nursing Home Administrators, in violation of Ohio Revised Code §2913.31(A), Forgery, a felony of the fifth degree.

COUNT TWENTY EIGHT – TAMPERING WITH RECORDS, STEVEN L. HITCHENS

From on or about September 28, 2012, to on or about October 2, 2012, in Licking County, Ohio, and/or Franklin County, Ohio, or otherwise venued pursuant to Ohio Revised Code §2901.12, as a continuing course of criminal conduct, STEVEN L. HITCHENS, with purpose to defraud or knowing that he was facilitating a fraud, did falsify a writing or record, and/or did utter such a writing or record, knowing it to have been tampered with, and such writing or record was kept by the State of Ohio, to wit: an Application for Annual License Renewal submitted to the Ohio Department of Health, Board of Examiners of Nursing Home Administrators, in violation of Ohio Revised Code §2913.42(A), Tampering with Records, a felony of the third degree.

COUNT TWENTY NINE – FORGERY, STEVEN L. HITCHENS

From on or about September 28, 2012, to on or about October 2, 2012, in Licking County, Ohio, or otherwise venued pursuant to Ohio Revised Code §2901.12, as a continuing course of criminal conduct, STEVEN L. HITCHENS, with purpose to defraud, or knowing that he was facilitating a fraud, did forge a writing so that it purported to be genuine when the writing was actually spurious, or to have been executed at a time or place or with terms different from

what was in fact the case; and/or did utter, or possess with purpose to utter, a writing that he knew to have been forged, to wit: an Application for Annual License Renewal submitted to the Ohio Department of Health, Board of Examiners of Nursing Home Administrators, in violation of Ohio Revised Code §2913.31(A), Forgery, a felony of the fifth degree.

COUNT THIRTY – FORGERY, STEVEN L. HITCHENS

On or about August 26, 2009, in Cuyahoga County, Ohio, or otherwise venued pursuant to Ohio Revised Code §2901.12, STEVEN L. HITCHENS, with purpose to defraud, or knowing that he was facilitating a fraud, did, while soliciting, procuring, aiding, abetting, and/or conspiring with another, forge writings of another without the other person’s authority; and/or did forge writings so that they purported to be genuine when the writings were actually spurious, or to have been executed at a time or place or with terms different from what was in fact the case; and/or did utter, or possess with purpose to utter, writings that he knew to have been forged, to wit: a writing containing Defendant Hitchens’ forged signature and purporting to verify his attendance at a continuing education course for nursing home administrators, in violation of Ohio Revised Code §2913.31(A) and §2923.03(A), Forgery, a felony of the fifth degree.

COUNT THIRTY ONE – FORGERY, STEVEN L. HITCHENS

On or about September 21, 2011, in Franklin County, Ohio, or otherwise venued pursuant to Ohio Revised Code §2901.12, STEVEN L. HITCHENS, with purpose to defraud, or knowing that he was facilitating a fraud, did, while soliciting, procuring, aiding, abetting, and/or conspiring with another, forge writings of another without the other person’s authority; and/or did forge writings so that they purported to be genuine when the writings were actually spurious, or to have been executed at a time or place or with terms different from what was in fact the

case; and/or did utter, or possess with purpose to utter, writings that he knew to have been forged, to wit: a writing containing Defendant Hitchens' forged signature and purporting to verify his attendance at a continuing education course for nursing home administrators, in violation of Ohio Revised Code §2913.31(A) and §2923.03(A), Forgery, a felony of the fifth degree.

COUNT THIRTY TWO -- FORGERY, STEVEN L. HITCHENS

On or about September 30, 2011, in Stark County, Ohio, or otherwise venued pursuant to Ohio Revised Code §2901.12, STEVEN L. HITCHENS, with purpose to defraud, or knowing that he was facilitating a fraud, did, while soliciting, procuring, aiding, abetting, and/or conspiring with another, forge writings of another without the other person's authority; and/or did forge writings so that they purported to be genuine when the writings were actually spurious, or to have been executed at a time or place or with terms different from what was in fact the case; and/or did utter, or possess with purpose to utter, writings that he knew to have been forged, to wit: a writing containing Defendant Hitchens' forged signature and purporting to verify his attendance at a continuing education course for nursing home administrators, in violation of Ohio Revised Code §2913.31(A) and §2923.03(A), Forgery, a felony of the fifth degree.

COUNT THIRTY THREE-- FORGERY, STEVEN L. HITCHENS

On or about September 27, 2012, in Franklin County, Ohio, or otherwise venued pursuant to Ohio Revised Code §2901.12, STEVEN L. HITCHENS, with purpose to defraud, or knowing that he was facilitating a fraud, did, while soliciting, procuring, aiding, abetting, and/or conspiring with another, forge writings of another without the other person's authority; and/or did forge writings so that they purported to be genuine when the writings were actually spurious,

or to have been executed at a time or place or with terms different from what was in fact the case; and/or did utter, or possess with purpose to utter, writings that he knew to have been forged, to wit: a writing containing Defendant Hitchens' forged signature and purporting to verify his attendance at a continuing education course for nursing home administrators, in violation of Ohio Revised Code §2913.31(A) and §2923.03(A), Forgery, a felony of the fifth degree.

**COUNT THIRTY FOUR – UNLAWFUL OPERATION OF NURSING HOME,
STEVEN L. HITCHENS**

From on or about March 28, 2009, to on or about September 6, 2009, in Guernsey County, Ohio, as a continuing course of criminal conduct, STEVEN L. HITCHENS did operate one or more nursing homes, to wit: Autumn Health Care of Cambridge, Inc., without the supervision of a nursing home administrator who holds a valid nursing home administrator's license and registration issued by the State of Ohio, in violation of Ohio Revised Code §4751.02, an unclassified criminal offense.

**COUNT THIRTY FIVE – UNLAWFUL OPERATION OF NURSING HOME,
STEVEN L. HITCHENS**

From on or about October 31, 2009, to on or about November 26, 2012, in Perry County, Ohio, as a continuing course of criminal conduct, STEVEN L. HITCHENS did operate one or more nursing homes, to wit: Autumn Health Care of Somerset, Inc., without the supervision of a nursing home administrator who holds a valid nursing home administrator's license and registration issued by the State of Ohio, in violation of Ohio Revised Code §4751.02, an unclassified criminal offense.

**COUNT THIRTY SIX – UNLAWFUL OPERATION OF NURSING HOME,
STEVEN L. HITCHENS**

From on or about November 21, 2009, to on or about April 24, 2012, in Perry County, Ohio, as a continuing course of criminal conduct, STEVEN L. HITCHENS did operate one or more nursing homes, to wit: Autumn Health Care of Thornville, Inc., formerly d/b/a Autumn at the Lake, without the supervision of a nursing home administrator who holds a valid nursing home administrator's license and registration issued by the State of Ohio, in violation of Ohio Revised Code §4751.02, an unclassified criminal offense.

**COUNT THIRTY SEVEN– UNLAWFUL OPERATION OF NURSING HOME,
STEVEN L. HITCHENS**

From on or about December 15, 2009, to on or about June 7, 2010, in Coshocton County, Ohio, as a continuing course of criminal conduct, STEVEN L. HITCHENS did operate one or more nursing homes, to wit: Autumn Health Care of Coshocton, Inc., without the supervision of a nursing home administrator who holds a valid nursing home administrator's license and registration issued by the State of Ohio, in violation of Ohio Revised Code §4751.02, an unclassified criminal offense.

**COUNT THIRTY EIGHT – UNLAWFUL OPERATION OF NURSING HOME,
STEVEN L. HITCHENS**

From on or about June 6, 2010, to on or about August 8, 2010, in Licking County, Ohio, as a continuing course of criminal conduct, STEVEN L. HITCHENS did operate one or more nursing homes, to wit: Autumn Care Center, Inc., without the supervision of a nursing home administrator who holds a valid nursing home administrator's license and registration issued by the State of Ohio, in violation of Ohio Revised Code §4751.02, an unclassified criminal offense.

**COUNT THIRTY NINE – UNLAWFUL OPERATION OF NURSING HOME,
STEVEN L. HITCHENS**

From on or about May 2, 2012, to on or about June 21, 2012, in Muskingum County, Ohio, as a continuing course of criminal conduct, STEVEN L. HITCHENS did operate one or more nursing homes, to wit: Autumn Health Care of Zanesville, Inc., without the supervision of a nursing home administrator who holds a valid nursing home administrator's license and registration issued by the State of Ohio, in violation of Ohio Revised Code §4751.02, an unclassified criminal offense.

**COUNT FORTY – ENGAGING IN A PATTERN OF CORRUPT ACTIVITY, AUTUMN
HEALTH CARE OF ZANESVILLE, INC.**

From on or about January 1, 2008, to on or about August 31, 2013, in Franklin County, Ohio, Muskingum County, Ohio, Licking County, Ohio, and/or Perry County, Ohio, or otherwise venued pursuant to Ohio Revised Code §2901.12, as a continuing course of criminal conduct, AUTUMN HEALTH CARE OF ZANESVILLE, INC. did conduct or participate in, directly or indirectly, the affairs of an enterprise through a pattern of corrupt activity in violation of Ohio Revised Code §2923.32.

The Grand Jurors further find and specify that the "pattern of corrupt activity" consists of, but is not limited to, two or more of the offenses charged in this Indictment, to wit: Theft by Deception as charged in Counts 2 and 41; Telecommunications Fraud as charged in Counts 4 and 43; Tampering with Evidence as charged in Counts 7, 9, 44, and 46; Tampering with Records as charged in Counts 21, 22, 24, 26, and 28; and Forgery as charged in Counts 8, 10 to 15 (inclusive), 19, 20, 23, 25, 27, 29-33 (inclusive), 45, 47 to 52 (inclusive), 54, and 55.

The most serious offense in the pattern of corrupt activity is a felony of the third degree, to wit: Telecommunications Fraud as charged in Counts 4, 16, 43, and 53; Tampering with

Evidence as charged in Counts 7, 9, 44, and 46; and Tampering with Records as charged in Counts 21, 22, 24, 26, and 28 of this Indictment.

The Grand Jurors further find and specify that the “enterprise” consists of Defendant AUTUMN HEALTH CARE OF ZANESVILLE, INC. and/or others known that include but are not limited to: Autumn Health Care, Inc., Autumn Health Care, LLC, Steven L. Hitchens, TheraTrust, Inc., Judi Hughes, Clare Armstrong, Paul Kroll, Wes Shriner, Tammy Turner, Annette Sichina, Krysta Berkfield, Michael Klingensmith, Heidi Harper, Christina Tedrick, Heidi Gard, Danielle Green, and/or Andy Hooks, associated with the common purpose of tampering with evidence, tampering with records, and committing telecommunications fraud, theft, and forgery in violation of Ohio Revised Code §2923.32, Engaging in a Pattern of Corrupt Activity, a felony of the first degree.

At all relevant times, and pursuant to Ohio Revised Code §2901.23(A)(4), the commission of the above-described Pattern of Corrupt Activity was authorized, requested, commanded, tolerated, or performed by Steven L. Hitchens and/or other officers, agents, employees of Autumn Health Care of Zanesville, Inc., acting on behalf of the organization and in within the scope of their office or employment.

COUNT FORTY ONE -- THEFT BY DECEPTION, AUTUMN HEALTH CARE OF ZANESVILLE, INC.

From on or about January 1, 2008, to on or about August 31, 2013, in Franklin County, Ohio, or otherwise venued pursuant to Ohio Revised Code §2901.12, as a continuing course of criminal conduct, AUTUMN HEALTH CARE OF ZANESVILLE, INC., with purpose to deprive the owner(s)—the Ohio Department of Medicaid (formerly the Ohio Department of Job and Family Services) and/or the federal Medicare program—of property or services, did knowingly and by deception obtain or exert control over said property or services, to wit:

monies. The value of the property, services, or funds obtained is seven thousand five hundred dollars (\$7,500.00) or more and less than one hundred fifty thousand dollars (\$150,000.00) in violation of Ohio Revised Code §2913.02(A)(3), Theft by Deception, a felony of the fourth degree.

At all relevant times, and pursuant to Ohio Revised Code §2901.23(A)(4), the commission of the above-described Theft By Deception was authorized, requested, commanded, tolerated, or performed by Steven L. Hitchens and/or other officers, agents, employees of Autumn Health Care of Zanesville, Inc., acting on behalf of the organization and within the scope of their office or employment.

COUNT FORTY TWO – MEDICAID FRAUD, AUTUMN HEALTH CARE OF ZANESVILLE, INC.

From on or about April 1, 2012, to on or about August 31, 2013, in Franklin County, Ohio, and/or Muskingum County, Ohio, or otherwise venued pursuant to Ohio Revised Code § 2901.12, as a continuing course of criminal conduct, AUTUMN HEALTH CARE OF ZANESVILLE, INC. did knowingly make or cause to be made false or misleading statements or representations to the Ohio Department of Medicaid (formerly the Ohio Department of Job and Family Services) for the purpose obtaining reimbursement for services purportedly rendered under the Ohio Medical Assistance Program, also known as Medicaid. The value of the property obtained is seven thousand five hundred dollars (\$7,500.00) or more, and less than one hundred fifty thousand dollars (\$150,000.00) in violation of Ohio Revised Code §2913.40(B), Medicaid Fraud, a felony of the fourth degree.

At all relevant times, and pursuant to Ohio Revised Code §2901.23(A)(4), the commission of the above-described Medicaid Fraud was authorized, requested, commanded, tolerated, or performed by Steven L. Hitchens and/or other officers, agents, employees of

Autumn Health Care of Zanesville, Inc., acting on behalf of the organization and within the scope of their office or employment.

COUNT FORTY THREE – TELECOMMUNICATIONS FRAUD, AUTUMN HEALTH CARE OF ZANESVILLE, INC.

From on or about April 1, 2012, to on or about July 31, 2013, in Franklin County, Ohio, or otherwise venued pursuant to Ohio Revised Code §2901.12, as a continuing course of criminal conduct, AUTUMN HEALTH CARE OF ZANESVILLE, INC., having devised a scheme to defraud, did knowingly disseminate, transmit, or cause to be disseminated or transmitted by means of a wire, radio, satellite, telecommunication, telecommunications device, or telecommunications service any writing, data, sign, signal, picture, sound, or image with purpose to execute or otherwise further the scheme to defraud, to wit: the electronic submission of Minimum Data Set assessments containing false and/or misleading statements or representations to the Ohio Department of Medicaid (formerly the Ohio Department of Job and Family Services) for the purpose of obtaining reimbursement from the Ohio Medical Assistance Program, also known as Medicaid. The value of the benefit obtained by the offender or of the detriment to the victim of the fraud is seven thousand five hundred dollars (\$7,500.00) or more, and less than one hundred fifty thousand dollars (\$150,000.00) in violation of Ohio Revised Code §2913.05(A), Telecommunications Fraud, a felony of the third degree.

At all relevant times, and pursuant to Ohio Revised Code §2901.23(A)(4), the commission of the above-described Telecommunications Fraud was authorized, requested, commanded, tolerated, or performed by Steven L. Hitchens and/or other officers, agents, employees of Autumn Health Care of Zanesville, Inc., acting on behalf of the organization and within the scope of their office or employment.

COUNT FORTY FOUR – TAMPERING WITH EVIDENCE, AUTUMN HEALTH CARE OF ZANESVILLE, INC.

From on or about January 4, 2013, to on or about January 10, 2013, in Muskingum County, Ohio, as a continuing course of criminal conduct, AUTUMN HEALTH CARE OF ZANESVILLE, INC., knowing that an official proceeding or investigation was in progress, or was about to be or likely to be instituted, did alter, destroy, conceal, or remove records, documents, or things with purpose to impair their value or availability as evidence in such proceeding or investigation; and/or made, presented or used such records, documents, or things, knowing them to be false and with purpose to mislead a public official who was or may have been engaged in such proceeding or investigation, or with purpose to corrupt the outcome of such proceeding or investigation, to wit: nurse's notes and/or medical records relating to resident M.L., in violation of Ohio Revised Code §2921.12(A), Tampering with Evidence, a felony of the third degree.

At all relevant times, and pursuant to Ohio Revised Code §2901.23(A)(4), the commission of the above-described Tampering With Evidence was authorized, requested, commanded, tolerated, or performed by Steven L. Hitchens and/or other officers, agents, employees of Autumn Health Care of Zanesville, Inc., acting on behalf of the organization and within the scope of their office or employment.

COUNT FORTY FIVE – FORGERY, AUTUMN HEALTH CARE OF ZANESVILLE, INC.

From on or about January 4, 2013, to on or about January 10, 2013, in Muskingum County, Ohio, as a continuing course of criminal conduct, AUTUMN HEALTH CARE OF ZANESVILLE, INC., with purpose to defraud, or knowing that it was facilitating a fraud, did forge writings of another without the other person's authority; and/or did forge writings so that

they purported to be genuine when the writings were actually spurious, or to have been executed at a time or place or with terms different from what was in fact the case; and/or did utter, or possess with purpose to utter, writings that it knew to have been forged, to wit: nurse's notes and/or medical records relating to resident M.L., in violation of Ohio Revised Code §2913.31(A), Forgery, a felony of the fifth degree.

At all relevant times, and pursuant to Ohio Revised Code §2901.23(A)(4), the commission of the above-described Forgery was authorized, requested, commanded, tolerated, or performed by Steven L. Hitchens and/or other officers, agents, employees of Autumn Health Care of Zanesville, Inc., acting on behalf of the organization and within the scope of their office or employment.

COUNT FORTY SIX – TAMPERING WITH EVIDENCE, AUTUMN HEALTH CARE OF ZANESVILLE, INC.

From on or about April 24, 2012, to on or about April 25, 2012, in Muskingum County, Ohio, as a continuing course of criminal conduct, AUTUMN HEALTH CARE OF ZANESVILLE, INC., knowing that an official proceeding or investigation was in progress, or was about to be or likely to be instituted, did alter, destroy, conceal, or remove records, documents, or things with purpose to impair their value or availability as evidence in such proceeding or investigation; and/or made, presented or used such records, documents, or things, knowing them to be false and with purpose to mislead a public official who was or may have been engaged in such proceeding or investigation, or with purpose to corrupt the outcome of such proceeding or investigation, to wit: medical records relating to resident M.S., in violation of Ohio Revised Code §2921.12(A), Tampering with Evidence, a felony of the third degree.

At all relevant times, and pursuant to Ohio Revised Code §2901.23(A)(4), the commission of the above-described Tampering With Evidence was authorized, requested,

commanded, tolerated, or performed by Steven L. Hitchens and/or other officers, agents, employees of Autumn Health Care of Zanesville, Inc., acting on behalf of the organization and within the scope of their office or employment.

COUNT FORTY SEVEN – FORGERY, AUTUMN HEALTH CARE OF ZANESVILLE, INC.

From on or about April 24, 2012, to on or about April 25, 2012, in Muskingum County, Ohio, AUTUMN HEALTH CARE OF ZANESVILLE, INC., with purpose to defraud, or knowing that it was facilitating a fraud, did forge writings of another without the other person's authority; and/or did forge writings so that they purported to be genuine when the writings were actually spurious, or to have been executed at a time or place or with terms different from what was in fact the case; and/or did utter, or possess with purpose to utter, writings that it knew to have been forged, to wit: medical records relating to resident M.S., in violation of Ohio Revised Code §2913.31(A), Forgery, a felony of the fifth degree.

At all relevant times, and pursuant to Ohio Revised Code §2901.23(A)(4), the commission of the above-described Forgery was authorized, requested, commanded, tolerated, or performed by Steven L. Hitchens and/or other officers, agents, employees of Autumn Health Care of Zanesville, Inc., acting on behalf of the organization and within the scope of their office or employment.

COUNT FORTY EIGHT – FORGERY, AUTUMN HEALTH CARE OF ZANESVILLE, INC.

From on or about September 1, 2012, to on or about August 31, 2013, in Muskingum County, Ohio, as a continuing course of criminal conduct, AUTUMN HEALTH CARE OF ZANESVILLE, INC., with purpose to defraud, or knowing that it was facilitating a fraud, did forge writings of another without the other person's authority; and/or did forge writings so that

they purported to be genuine when the writings were actually spurious, or to have been executed at a time or place or with terms different from what was in fact the case; and/or did utter, or possess with purpose to utter, writings that it knew to have been forged, to wit: medication administration records, treatment administration records, nurse's notes, and/or records relating to resident care, in violation of Ohio Revised Code §§2913.31(A), Forgery, a felony of the fifth degree.

At all relevant times, and pursuant to Ohio Revised Code §2901.23(A)(4), the commission of the above-described Forgery was authorized, requested, commanded, tolerated, or performed by Steven L. Hitchens and/or other officers, agents, employees of Autumn Health Care of Zanesville, Inc., acting on behalf of the organization and within the scope of their office or employment.

**COUNT FORTY NINE – FORGERY, AUTUMN HEALTH CARE OF
ZANESVILLE, INC.**

On or about June 11, 2012, in Muskingum County, Ohio, AUTUMN HEALTH CARE OF ZANESVILLE, INC., with purpose to defraud, or knowing that it was facilitating a fraud, did forge writings of another without the other person's authority; and/or did forge writings so that they purported to be genuine when the writings were actually spurious, or to have been executed at a time or place or with terms different from what was in fact the case; and/or did utter, or possess with purpose to utter, writings that it knew to have been forged, to wit: a Minimum Data Set assessment for resident D.W.J., in violation of Ohio Revised Code §2913.31(A), Forgery, a felony of the fifth degree.

At all relevant times, and pursuant to Ohio Revised Code §2901.23(A)(4), the commission of the above-described Forgery was authorized, requested, commanded, tolerated, or performed by Steven L. Hitchens and/or other officers, agents, employees of Autumn Health

Care of Zanesville, Inc., acting on behalf of the organization and within the scope of their office or employment.

COUNT FIFTY – FORGERY, AUTUMN HEALTH CARE OF ZANESVILLE, INC.

On or about June 18, 2012, in Muskingum County, Ohio, AUTUMN HEALTH CARE OF ZANESVILLE, INC., with purpose to defraud, or knowing that it was facilitating a fraud, did forge writings of another without the other person’s authority; and/or did forge writings so that they purported to be genuine when the writings were actually spurious, or to have been executed at a time or place or with terms different from what was in fact the case; and/or did utter, or possess with purpose to utter, writings that it knew to have been forged, to wit: a Minimum Data Set assessment for resident R.B., in violation of Ohio Revised Code §2913.31(A), Forgery, a felony of the fifth degree.

At all relevant times, and pursuant to Ohio Revised Code §2901.23(A)(4), the commission of the above-described Forgery was authorized, requested, commanded, tolerated, or performed by Steven L. Hitchens and/or other officers, agents, employees of Autumn Health Care of Zanesville, Inc., acting on behalf of the organization and within the scope of their office or employment.

COUNT FIFTY ONE – FORGERY, AUTUMN HEALTH CARE OF ZANESVILLE, INC.

On or about January 15, 2013, in Muskingum County, Ohio, AUTUMN HEALTH CARE OF ZANESVILLE, INC., with purpose to defraud, or knowing that it was facilitating a fraud, did forge writings of another without the other person’s authority; and/or did forge writings so that they purported to be genuine when the writings were actually spurious, or to have been executed at a time or place or with terms different from what was in fact the case; and/or did utter, or

possess with purpose to utter, writings that it knew to have been forged, to wit: a Minimum Data Set assessment for resident C.P., in violation of Ohio Revised Code §2913.31(A), Forgery, a felony of the fifth degree.

At all relevant times, and pursuant to Ohio Revised Code §2901.23(A)(4), the commission of the above-described Forgery was authorized, requested, commanded, tolerated, or performed by Steven L. Hitchens and/or other officers, agents, employees of Autumn Health Care of Zanesville, Inc., acting on behalf of the organization and within the scope of their office or employment.

**COUNT FIFTY TWO – FORGERY, AUTUMN HEALTH CARE OF
ZANESVILLE, INC.**

On or about March 28, 2013, in Muskingum County, Ohio, AUTUMN HEALTH CARE OF ZANESVILLE, INC., with purpose to defraud, or knowing that it was facilitating a fraud, did forge writings of another without the other person's authority; and/or did forge writings so that they purported to be genuine when the writings were actually spurious, or to have been executed at a time or place or with terms different from what was in fact the case; and/or did utter, or possess with purpose to utter, writings that it knew to have been forged, to wit: a Minimum Data Set assessment for resident D.J, in violation of Ohio Revised Code §2913.31(A), Forgery, a felony of the fifth degree.

At all relevant times, and pursuant to Ohio Revised Code §2901.23(A)(4), the commission of the above-described Forgery was authorized, requested, commanded, tolerated, or performed by Steven L. Hitchens and/or other officers, agents, employees of Autumn Health Care of Zanesville, Inc., acting on behalf of the organization and within the scope of their office or employment.

COUNT FIFTY THREE – TELECOMMUNICATIONS FRAUD, AUTUMN HEALTH CARE OF ZANESVILLE, INC.

From on or about May 1, 2012, to on or about September 30, 2012, in Franklin County, Ohio, or otherwise venued pursuant to Ohio Revised Code §2901.12, as a continuing course of criminal conduct, AUTUMN HEALTH CARE OF ZANESVILLE, INC., having devised a scheme to defraud, did knowingly disseminate, transmit, or cause to be disseminated or transmitted by means of a wire, radio, satellite, telecommunication, telecommunications device, or telecommunications service any writing, data, sign, signal, picture, sound, or image with purpose to execute or otherwise further the scheme to defraud, to wit: the electronic submission of fraudulent Minimum Data Set assessments, in violation of Ohio Revised Code §2913.05, Telecommunications Fraud, a felony of the fifth degree.

At all relevant times, and pursuant to Ohio Revised Code §2901.23(A)(4), the commission of the above-described Telecommunications Fraud was authorized, requested, commanded, tolerated, or performed by Steven L. Hitchens and/or other officers, agents, employees of Autumn Health Care of Zanesville, Inc., acting on behalf of the organization and within the scope of their office or employment.

COUNT FIFTY FOUR – FORGERY, AUTUMN HEALTH CARE OF ZANESVILLE, INC.

From on or about January 2, 2013, to on or about February 4, 2013, in Muskingum County, Ohio, as a continuing course of criminal conduct, AUTUMN HEALTH CARE OF ZANESVILLE, INC., with purpose to defraud, or knowing that it was facilitating a fraud, did forge writings of another without the other person's authority; and/or did forge writings so that they purported to be genuine when the writings were actually spurious, or to have been executed at a time or place or with terms different from what was in fact the case; and/or did utter, or

possess with purpose to utter, writings that it knew to have been forged, to wit: medication administration records, treatment administration records, nurse's notes, and/or records relating to the care of resident D.W.J., in violation of Ohio Revised Code §2913.31(A), Forgery, a felony of the fifth degree.

At all relevant times, and pursuant to Ohio Revised Code §2901.23(A)(4), the commission of the above-described Forgery was authorized, requested, commanded, tolerated, or performed by Steven L. Hitchens and/or other officers, agents, employees of Autumn Health Care of Zanesville, Inc., acting on behalf of the organization and within the scope of their office or employment.

**COUNT FIFTY FIVE – FORGERY, AUTUMN HEALTH CARE OF
ZANESVILLE, INC.**

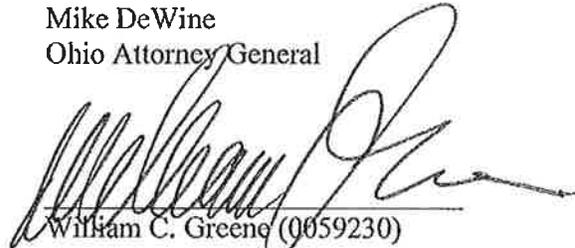
From on or about April 25, 2013, to on or about May 22, 2013, in Muskingum County, Ohio, as a continuing course of criminal conduct, AUTUMN HEALTH CARE OF ZANESVILLE, INC., with purpose to defraud, or knowing that it was facilitating a fraud, did forge writings of another without the other person's authority; and/or did forge writings so that they purported to be genuine when the writings were actually spurious, or to have been executed at a time or place or with terms different from what was in fact the case; and/or did utter, or possess with purpose to utter, writings that it knew to have been forged, to wit: medication administration records, treatment administration records, nurse's notes, and/or records relating to the care of resident M.J, in violation of Ohio Revised Code §2913.31(A), Forgery, a felony of the fifth degree.

At all relevant times, and pursuant to Ohio Revised Code §2901.23(A)(4), the commission of the above-described Forgery was authorized, requested, commanded, tolerated, or performed by Steven L. Hitchens and/or other officers, agents, employees of Autumn Health

Care of Zanesville, Inc., acting on behalf of the organization and within the scope of their office or employment.

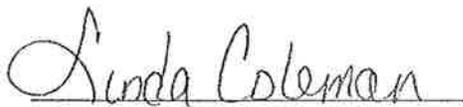
Mike DeWine
Ohio Attorney General

By:



William C. Greene (0059230)
Principal Assistant Attorney General
Pearl M. Chin (0078810)
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Medicaid Fraud Unit
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A TRUE BILL


Foreperson of the Grand Jury

STATE OF OHIO v. STEVEN L. HITCHENS

DEFENDANT NAME: Steven L. Hitchens
HOME ADDRESS: 2245 Opossum Hollow Road, Newark, OH 43055
DATE OF BIRTH: 11/23/1955
RACE/SEX: W/M
HEIGHT/WEIGHT: 6'0"
HAIR/EYES: Brown/Hazel
SSN: [REDACTED]
POLICY AGENCY: Ohio Attorney General
DATE OF ARREST: N/A

- Count 1: Engaging in a Pattern of Corrupt Activity, R.C. §2923.32 – F1
- Count 2: Theft By Deception, R.C. §2913.02(A)(3) – F4
- Count 3: Medicaid Fraud, R.C. §2913.40(B) – F4
- Count 4: Telecommunications Fraud, R.C. §2913.05(A) – F3
- Count 5: Medicaid Fraud, R.C. §2913.40(B) – F4
- Count 6: Medicaid Fraud, R.C. §2913.40(B) – F5
- Count 7: Tampering With Evidence, R.C. §2921.12(A) – F3
- Count 8: Forgery, R.C. §2913.31(A) – F5
- Count 9: Tampering With Evidence, R.C. §2921.12(A) – F3
- Count 10: Forgery, R.C. §2913.31(A) – F5
- Count 11: Forgery, R.C. §2913.31(A) – F5
- Count 12: Forgery, R.C. §2913.31(A) – F5
- Count 13: Forgery, R.C. §2913.31(A) – F5
- Count 14: Forgery, R.C. §2913.31(A) – F5
- Count 15: Forgery, R.C. §2913.31(A) – F5
- Count 16: Telecommunications Fraud, R.C. §2913.05(A) – F5
- Count 17: Attempted Tampering With Records, R.C. §2913.42(A) & §2923.02(A) – F4
- Count 18: Attempted Telecommunications Fraud, R.C. §2913.05 & §2923.02(A) – M1
- Count 19: Forgery, R.C. §2913.31(A) – F5
- Count 20: Forgery, R.C. §2913.31(A) – F5

STEVEN L. HITCHENS – cont’d.

- Count 21: Tampering With Records, R.C. §2913.42(A) – F3
- Count 22: Tampering With Records, R.C. §2913.42(A) – F3
- Count 23: Forgery, R.C. §2913.31(A) – F5
- Count 24: Tampering With Records, R.C. §2913.42(A) – F3
- Count 25: Forgery, R.C. §2913.31(A) – F5
- Count 26: Tampering With Records, R.C. §2913.42(A) – F3
- Count 27: Forgery, R.C. §2913.31(A) – F5
- Count 28: Tampering With Records, R.C. §2913.42(A) – F3
- Count 29: Forgery, R.C. §2913.31(A) – F5
- Count 30: Forgery, R.C. §2913.31(A) – F5
- Count 31: Forgery, R.C. §2913.31(A) – F5
- Count 32: Forgery, R.C. §2913.31(A) – F5
- Count 33: Forgery, R.C. §2913.31(A) – F5
- Count 34: Unlawful Operation of Nursing Home, R.C. §4751.02, unclassified
- Count 35: Unlawful Operation of Nursing Home, R.C. §4751.02, unclassified
- Count 36: Unlawful Operation of Nursing Home, R.C. §4751.02, unclassified
- Count 37: Unlawful Operation of Nursing Home, R.C. §4751.02, unclassified
- Count 38: Unlawful Operation of Nursing Home, R.C. §4751.02, unclassified
- Count 39: Unlawful Operation of Nursing Home, R.C. §4751.02, unclassified

STATE OF OHIO v. AUTUMN HEALTH CARE OF ZANESVILLE, INC.

DEFENDANT NAME: Autumn Health Care of Zanesville, Inc.
STATUTORY AGENT: Steven L. Hitchens, 23 Forry Street, Newark, OH 43055
DOB: N/A
RACE/SEX: N/A
HEIGHT/WEIGHT: N/A
HAIR/EYES: N/A
SSN: N/A
POLICY AGENCY: Ohio Attorney General
DATE OF ARREST: N/A

Count 40: Engaging in a Pattern of Corrupt Activity, R.C. §2923.32 – F1
Count 41: Theft By Deception, R.C. §2913.02(A)(3) – F4
Count 42: Medicaid Fraud, R.C. §2913.40(B) – F4
Count 43: Telecommunications Fraud, R.C. §2913.05(A) – F3
Count 44: Tampering With Evidence, R.C. §2921.12(A) – F3
Count 45: Forgery, R.C. §2913.31(A) – F5
Count 46: Tampering With Evidence, R.C. §2921.12(A) – F3
Count 47: Forgery, R.C. §2913.31(A) – F5
Count 48: Forgery, R.C. §2913.31(A) – F5
Count 49: Forgery, R.C. §2913.31(A) – F5
Count 50: Forgery, R.C. §2913.31(A) – F5
Count 51: Forgery, R.C. §2913.31(A) – F5
Count 52: Forgery, R.C. §2913.31(A) – F5
Count 53: Telecommunications Fraud, R.C. §2913.05(A) – F5
Count 54: Forgery, R.C. §2913.31(A) – F5
Count 55: Forgery, R.C. §2913.31(A) – F5