

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 2103

FILED OF RECORD

APR 21 2023

K.B.M.L.

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF
KENTUCKY HELD BY KERI JANE McFARLANE, M.D., LICENSE NO.
51945, 10616 EAGLES VIEW DRIVE, KNOXVILLE, TENNESSEE 37922

COMPLAINT

Comes now the Complainant, Chair of the Kentucky Board of Medical Licensure's Inquiry Panel A, and on behalf of the Panel which met on April 20, 2023, states for its Complaint against the licensee, Keri Jane McFarlane, M.D., as follows:

1. At all relevant times, Keri McFarlane, M.D. ("the licensee"), was licensed by the Board to practice medicine in the Commonwealth of Kentucky.
2. The licensee's medical specialty is family medicine.
3. On or about March 4, 2021, the licensee became indicted on felony charges related to controlled substances in *USA v. Taylor, et al.*, Case No. 6:21-CR-13-REW (United States District Court, Eastern District of Kentucky, Southern Division). The indictment charges, in part, that the licensee and others conspired to knowingly and intentionally distribute and dispense controlled substances pursuant to prescriptions that were not issued for a legitimate medical purpose and not in the usual course of her professional practice. The indictment is attached and incorporated by reference herewith in its entirety.
4. On or about February 15, 2022, the licensee submitted an Application for Renewal of Kentucky Medical/Osteopathic License, upon which she answered "No" to Question No. 12, which asked, "Since you last registered, to your knowledge, have you become the subject of any criminal investigation or are any criminal charges pending against you?"

5. On or about February 22, 2023, the licensee submitted an Application for Renewal of Kentucky Medical/Osteopathic License, upon which she answered “No” to Question No. 12, which asked, “Since you last registered, to your knowledge, have you become the subject of any criminal investigation or are any criminal charges pending against you?”
6. According to her 2022 and 2023 renewal applications, the licensee has an active DEA registration, but is not registered with KASPER.
7. On or about March 24, 2023, the Board’s Inquiry Panel A Chair issued an emergency order of suspension against the licensee’s license to practice medicine in the Commonwealth of Kentucky. Inquiry Panel A ratified that emergency order when it issued this Complaint, on or about April 20, 2023.
8. By her conduct, the licensee has violated KRS 311.595(1), (9), as illustrated by KRS 311.597(4), and KRS 311.595(12). Accordingly, legal grounds exist for disciplinary action against her license to practice medicine in the Commonwealth of Kentucky.
9. The licensee is directed to respond to the allegations delineated in the Complaint within thirty (30) days of service thereof and is further given notice that:
 - (a) Her failure to respond may be taken as an admission of the charges;
 - (b) She may appear alone or with counsel, may cross-examine all prosecution witnesses and offer evidence in her defense.
10. NOTICE IS HEREBY GIVEN that a hearing on this Complaint is scheduled for **October 16 & 17, 2023**, at 9:00 a.m., Eastern Standard Time, at the Kentucky Board of Medical Licensure, Hurstbourne Office Park, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222. Said hearing shall be held pursuant to the Rules and Regulations of the Kentucky Board of Medical Licensure and pursuant to KRS Chapter

13B. This hearing shall proceed as scheduled and the hearing date shall only be modified by leave of the Hearing Officer upon a showing of good cause.


WHEREFORE, Complainant prays that appropriate disciplinary action be taken against the license to practice medicine in the Commonwealth of Kentucky held by Keri Jane McFarlane, M.D.

This 21st day of April, 2023.


WAQAR A. SALEEM, M.D.
CHAIR, INQUIRY PANEL A

CERTIFICATE OF SERVICE

I certify that the original of this Complaint was delivered to Mr. Michael S. Rodman, Executive Director, Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222; a copy was mailed to Keith Hardison, Esq., Hearing Officer, 2616 Bardstown Road, Louisville, Kentucky 40205 and a copy was mailed via certified mail return-receipt requested to the licensee, Keri Jane McFarlane, M.D., License No. 51945, 10616 Eagles View Drive, Knoxville, Tennessee 37922, and via e-mail to kerimcf@gmail.com on this 21st day of April, 2023.


Leanne K. Diakov
General Counsel
Kentucky Board of Medical Licensure
310 Whittington Parkway, Suite 1B
Louisville, Kentucky 40222
(502) 429-7943

Eastern District of Kentucky
FILED

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
SOUTHERN DIVISION
LONDON**

MAR 04 2021

AT LEXINGTON
ROBERT R. CARR
CLERK U.S. DISTRICT COURT

UNITED STATES OF AMERICA

V.

INDICTMENT NO. 6:21-CR-13-REW

**ROBERT TAYLOR,
LORI BARNETT,
EVANN HERRELL,
MARK GRENKOSKI,
KERI MCFARLANE,
HELEN BIDAWID,
STEPHEN CIRELLI,
EVA MISRA,
MATTHEW RASBERRY,
ELMER POWERS, and
BRIAN BUNCH**

* * * * *

THE GRAND JURY CHARGES:

BACKGROUND ON CONTROLLED SUBSTANCES

1. The Controlled Substances Act ("CSA") governed the manufacture, distribution, and dispensing of controlled substances in the United States.
2. Under the CSA, the United States Drug Enforcement Administration ("DEA") regulated certain pharmaceutical drugs designated as "controlled substances" because of their potential for abuse or dependence, their accepted medical use, and their accepted safety for use under medical supervision. *See* 21 U.S.C. § 802(6).
3. The DEA issued registration numbers to qualifying practitioners, including

physicians, which permitted them to distribute or dispense Schedule II, III, IV, and V controlled substances consistent with the terms of that registration. 21 U.S.C. § 822.

4. “A prescription for a controlled substance may be issued only by an individual practitioner who is: (1) authorized to prescribe controlled substances by the jurisdiction in which he [or she] is licensed to practice his [or her] profession and (2) either registered or exempted from registration” 21 C.F.R. § 1306.03.

5. “A prescription for a controlled substance to be effective must be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice. The responsibility for the proper prescribing and dispensing of controlled substances is upon the prescribing practitioner. . . .” 21 C.F.R. § 1306.04(a).

6. Additionally, it was “unlawful for any person knowingly or intentionally . . . to use in the course of the manufacture, distribution, or dispensing of a controlled substance . . . a registration number which is . . . issued to another person.” 21 U.S.C. § 843(a)(2).

7. The Drug Addiction Treatment Act of 2000 (“DATA”) permitted qualified physicians to treat narcotic dependence with Schedules III through V narcotic controlled substances once they met certain requirements and obtained a “waiver.” Only those physicians who obtained a DATA waiver could administer, dispense, and prescribe these specific controlled substances, and were authorized to conduct maintenance and detoxification treatment using approved Schedule III, IV, or V narcotic medications.

8. Buprenorphine was a Schedule III controlled substance. Buprenorphine products are the only Schedule III, IV, or V medications to have received such FDA approval and, thus, to be eligible for use under DATA 2000. Suboxone is a brand name

Schedule III controlled substance that contains buprenorphine and naloxone. Subutex is a brand name Schedule III controlled substance that contains buprenorphine.

9. Under DATA, qualifying prescribers were initially permitted to treat a maximum of 30 patients in opioid dependence treatment at a time for the first year. One year after submitting an initial notification and provided the prescriber met certain other requirements, qualifying physicians could treat up to 100 patients. Beginning in 2016, eligible prescribers who already held a waiver for one year could apply to treat up to 275 patients.

BACKGROUND ON HEALTH CARE BENEFIT PROGRAMS

10. The Medicare Program (“Medicare”) was a federal “health care benefit program,” as defined by 18 U.S.C. § 24(b), that provided benefits to persons who were over the age of sixty-five or disabled. Medicare was administered by the United States Department of Health and Human Services (“HHS”) through its agency, the Centers for Medicare & Medicaid Services (“CMS”).

11. Individuals who qualified for Medicare benefits were commonly referred to as “beneficiaries,” and as beneficiaries, they were eligible to receive a variety of goods and services. Generally, Medicare did not cover and would not reimburse claims for services and items that were not medically necessary.

12. Among other items and services, Part B of the Medicare program covered the costs of diagnostic laboratory services including urine drug testing (“UDT”). Medicare reimbursed UDT only if, among other requirements, the UDT was medically necessary for the diagnoses and treatment of a beneficiary.

13. Pursuant to 42 C.F.R. § 410.32, all diagnostic x-ray and laboratory tests, and other diagnostic tests billed to Medicare were required to be ordered by the physician who was treating the beneficiary, that is, the physician who furnished a consultation or treated the beneficiary for a specific medical problem and who used the results in the management of the beneficiary's specific medical problem. Tests not ordered by the physician who was treating the beneficiary were not reasonable and necessary.

14. Part D of the Medicare program provided prescription drug coverage to eligible individuals. Medicare Part D Plans were operated by private companies, often referred to as drug plan "sponsors," that were approved by Medicare.

15. Medicare Part D reimbursed claims for prescription drugs only if those drugs are dispensed pursuant to a valid prescription. Medicare did not reimburse drugs dispensed pursuant to illegal prescriptions because such prescriptions did not constitute valid prescriptions. Further, Medicare Part D only reimbursed claims for prescription drugs issued for a medically-accepted indication that facilitates the diagnosis or treatment of illness or injury or to improve the functioning of a malformed body.

16. The Kentucky Medicaid Program ("Kentucky Medicaid") was a "health care benefit program," as defined by 18 U.S.C. § 24(b), that provided benefits to Kentucky residents who met certain eligibility requirements, including income requirements. Kentucky Medicaid was jointly funded by federal and state sources and administered by the Kentucky Cabinet for Health and Family Services, Department for Medicaid Services ("DMS"), located in Franklin County, Kentucky.

17. Individuals who qualified for Kentucky Medicaid benefits were commonly

referred to as “members,” and as members, they were eligible to receive a variety of goods and services. Kentucky Medicaid, through DMS, and through its fiscal intermediaries, ultimately reimbursed claims submitted by service providers from Franklin County, Kentucky.

18. The Bureau of TennCare, the state of Tennessee’s Medicaid program (“TennCare”), was a “health care benefit program,” as defined by 18 U.S.C. § 24(b), that provided benefits to certain low-income individuals and families in Tennessee. TennCare services are offered through and administered by several Managed Care Organizations (“MCOs”). TennCare was jointly funded by the State of Tennessee and the United States government.

19. Among a variety of items and services, Kentucky Medicaid and TennCare provided coverage to beneficiaries and members for prescription medications and laboratory services, including urine drug testing (“UDT”).

20. Kentucky Medicaid and TennCare reimbursed claims for reimbursement if the services and items provided were medically necessary for the diagnoses and treatment of beneficiaries and members. Conversely, Medicare, Medicaid and TennCare did not cover and would not reimburse claims for services and items that were not medically necessary.

21. Certain health care benefit programs, including MCOs administering Kentucky Medicaid or TennCare, required providers to complete and submit a “prior authorization” before reimbursing claims for certain buprenorphine medications. These “prior authorizations” required providers to provide information about the nature of, and

justification for, a provider's treatment using buprenorphine medications.

RELEVANT ENTITIES AND INDIVIDUALS

22. EHC Medical Offices, PLLC ("EHC") was a Professional Limited Liability Company registered in the state of Tennessee. EHC had offices in Jacksboro, Tennessee, and Harriman, Tennessee.

23. **ROBERT TAYLOR** was a physician licensed to practice in Tennessee. **TAYLOR** held a registration from the Drug Enforcement Administration ("DEA") that authorized him to prescribe controlled substances. **TAYLOR** also obtained a DATA waiver authorizing him to prescribe Schedule III narcotic controlled substances, namely buprenorphine drug products, to his patients (hereinafter a "DATA-waived physician"). **TAYLOR** founded EHC in 2013 and owned EHC until November 2018.

24. **LORI BARNETT** was a registered nurse residing in the state of Tennessee. **BARNETT** managed the day-to-day operations of EHC until November 2018.

25. **EVANN HERRELL**, was a physician licensed to practice in Tennessee. **HERRELL** held a DEA registration which authorized him to prescribe controlled substances and was also a DATA-waived physician. From 2014 to 2018, **HERRELL** prescribed buprenorphine and other controlled substances from EHC. For a portion of the relevant timeframe, **HERRELL** served as the "Medical Director" of EHC's Jacksboro location.

26. **MARK GRENKOSKI** was a physician licensed to practice in Tennessee. **GRENKOSKI** held a DEA registration which authorized him to prescribe controlled substances and was also a DATA-waived physician. From 2014 to 2018, **GRENKOSKI**

prescribed buprenorphine and other controlled substances from EHC. For a portion of the relevant timeframe, **GRENKOSKI** served as the “Medical Director” of EHC’s Harriman location.

27. **KERI MCFARLANE, HELEN BIDAWID, STEPHEN CIRELLI, EVA MISRA, and MATTHEW RASBERRY**, were physicians licensed in the state of Tennessee who were associated with EHC at varying points during the timeframe relevant to this indictment. Each held a DEA registration which authorized him or her to prescribe controlled substances and was also a DATA-waived physician.

28. **ELMER POWERS** was an individual residing in Kentucky.

29. **BRIAN BUNCH** was an individual residing in Kentucky.

COUNT 1
21 U.S.C. § 846

30. The allegations set forth in Paragraphs 1-29 of this Indictment are incorporated herein as if set forth in full.

31. Beginning in or about 2013 and continuing through on or about November 2018, in Knox, Laurel, and Whitley Counties, in the Eastern District of Kentucky, and elsewhere,

**ROBERT TAYLOR,
LORI BARNETT,
EVANN HERRELL,
MARK GRENKOSKI,
KERI MCFARLANE,
HELEN BIDAWID,
STEPHEN CIRELLI,
EVA MISRA,
MATTHEW RASBERRY,
ELMER POWERS,**

BRIAN BUNCH,

and others, known and unknown to the grand jury, did conspire together and with others to knowingly and intentionally distribute and dispense controlled substances, to include buprenorphine, a Schedule III controlled substance, and certain benzodiazepines, including clonazepam, Schedule IV controlled substances, pursuant to prescriptions that were not issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his or her professional practice in violation of 21 U.S.C. § 841(a)(1), all in violation of 21 U.S.C. § 846.

COUNT 2
21 U.S.C. § 841(a)(1)

32. The allegations set forth in Paragraphs 1-29 of this Indictment are incorporated herein as if set forth in full.

33. On or December 6, 2018, in Knox County, in the Eastern District of Kentucky,

ELMER POWERS

knowingly and intentionally possessed with intent to distribute a quantity of buprenorphine, a Schedule III controlled substance, clonazepam, a Schedule IV controlled substance, and diazepam, a Schedule IV controlled substance, all in violation of 21 U.S.C. § 841(a)(1).

COUNT 3
18 U.S.C. § 371

34. The allegations set forth in Paragraphs 1-29 of this Indictment are incorporated herein as if set forth in full.

35. **ROBERT TAYLOR, LORI BARNETT, EVANN HERRELL, MARK GRENKOSKI, KERI MCFARLANE, HELEN BIDAWID, STEPHEN CIRELLI, EVA MISRA, MATTHEW RASBERRY,** and others known and unknown to the grand jury did conspire, combine, and agree with themselves and others, to commit offenses against the United States, specifically, knowingly and willfully making materially false statements and using materially false documents in connection with the delivery of health care services involving one or more health care benefit programs, in violation of 18 U.S.C. § 1035(a)(2).

Object and Purpose of the Scheme

36. The object and purpose of the scheme was for **ROBERT TAYLOR, LORI BARNETT, EVANN HERRELL, MARK GRENKOSKI, KERI MCFARLANE, HELEN BIDAWID, STEPHEN CIRELLI, EVA MISRA, MATTHEW RASBERRY,** and others known and unknown to the grand jury, to make EHC appear as if it was functioning within the usual course of medical practice, prescribing medically necessary drugs, and ordering medically necessary UDT by, among other things, creating false and fraudulent medical records and causing the submission of false and fraudulent documents to one or more health care benefit programs.

Manner and Means

37. The manner and means by which **ROBERT TAYLOR, LORI BARNETT, EVANN HERRELL, MARK GRENKOSKI, KERI MCFARLANE, HELEN BIDAWID, STEPHEN CIRELLI, EVA MISRA, MATTHEW RASBERRY,** and

others sought to accomplish the object of the scheme included, among others, creating the following false and fraudulent records in the course of EHC's operations:

- a. EHC's evaluation forms frequently contained notations which suggested that physicians had conducted examinations which did not actually occur as represented on the form.
- b. EHC's physicians and staff frequently completed and signed various documents containing misrepresentations, including, among others, forms titled "Individualized Treatment Plan and Goals," "Addiction Specialist Consultation Note," "Buprenorphine Dosing: Medical Decision Making Algorithm," "Buprenorphine Taper Interview," "Benzodiazepine Dosing: Medical Decision Making Algorithm," and "Gabapentin/Pregabalin Medical Decision Making Documentation." EHC physicians and staff regularly completed these forms even though the treatment, consultation, or medical decision-making reflected in the forms either did not occur or did not occur as represented in the document.
- c. EHC submitted false and misleading "prior authorizations" to Kentucky Medicaid and TennCare (or their fiscal intermediaries).

Overt Acts

38. On April 16, 2015, EHC submitted a prior authorization request to CoventryCares of Kentucky for patient C.R. which was purportedly signed by **KERI MCFARLANE** and which contains several misrepresentations.

39. On June 2, 2015, **KERI MCFARLANE** completed and signed a "Primary

Care Chronic Pain Therapy Progress Report” for patient C.R. which misrepresented the nature and extent of her treatment of C.R.

40. On January 4, 2018, **MATTHEW RASBERRY** completed and signed an “OBOT” Therapy Progress Report” for patient C.R. which misrepresented the nature and extent of his interaction with and treatment of C.R.

41. On January 4, 2018, **MATTHEW RASBERRY** completed and signed “Benzodiazepine Dosing: Medical Decision Making Algorithm” and “Buprenorphine Dosing: Medical Decision Making Algorithm” forms for patient C.R. which misrepresented the nature and extent of treatment and counseling given to C.R., as well as information purportedly provided by C.R. during his or her visit to EHC on that date.

42. On March 9, 2018, **HELEN BIDAVID** completed and signed an “OBOT Therapy Progress Report” for patient J.V. which misrepresented the nature and extent of her interaction with and treatment of J.V.

43. On March 9, 2018, **HELEN BIDAVID** signed a “Individualized Treatment Plan and Goals” form for patient J.V. which misrepresented the nature and extent of treatment and counseling given to J.V., as well as information purportedly provided by J.V. during his or her visit to EHC on that date.

44. On April 11, 2018, **EVANN HERRELL** completed and signed an “OBOT Therapy Progress Report” for patient T.M. which misrepresented the nature and extent of his interaction with and treatment of T.M., as well as information purportedly provided by T.M. during his or her visit to EHC on that date.

45. On April 11, 2018, **EVANN HERRELL** also completed and signed several

forms, including forms called “Multidimensional Assessment Part 1a” and “Buprenorphine Dosing: Medical Decision Making Algorithm,” which misrepresented the nature and extent of his interaction with and treatment of T.M., as well as information purportedly provided by T.M. during his or her visit to EHC on that date.

46. On May 18, 2018, **STEPHEN CIRELLI** completed and signed an “OBOT Therapy Progress Report” for patient C.R. which misrepresented the nature and extent of his interaction with and treatment of C.R.

The Charge

47. Beginning in or about 2013 and continuing through in or about November 2018, in the Eastern District of Kentucky, and elsewhere,

**ROBERT TAYLOR,
LORI BARNETT,
EVANN HERRELL,
MARK GRENKOSKI,
KERI MCFARLANE,
HELEN BIDAVID,
STEPHEN CIRELLI,
EVA MISRA,
MATTHEW RASBERRY,**

and others, known and unknown to the grand jury did conspire, combine, and agree with themselves and others, to commit offenses against the United States, specifically, knowingly and willfully making materially false statements and using materially false documents in connection with the delivery of health care services involving one or more health care benefit programs, in violation of 18 U.S.C. § 1035(a)(2), all in violation of 18 U.S.C. § 371.

COUNT 4
18 U.S.C. § 1349

48. The allegations set forth in Paragraphs 1-29 of this Indictment are incorporated herein as if set forth in full.

49. **ROBERT TAYLOR, LORI BARNETT, EVANN HERRELI, MARK GRENKOSKI, KERI MCFARLANE**, and others known and unknown to the grand jury engaged in a scheme and artifice to defraud Medicare, Kentucky Medicaid, TennCare, and other health care benefit programs by causing to be submitted false and fraudulent claims for reimbursement for medications such as buprenorphine, benzodiazepines, and gabapentin that were not otherwise reimbursable.

Object and Purpose of the Scheme

50. The object and purpose of the scheme was for **ROBERT TAYLOR, LORI BARNETT, EVANN HERRELL, MARK GRENKOSKI, KERI MCFARLANE**, and others known and unknown to the grand jury, to increase EHC's profits by, among other things, causing the submission of false and fraudulent claims for reimbursement to Medicare, Kentucky Medicaid, TennCare, and other health care benefit programs for prescription medications. Ensuring that health care benefit programs reimbursed the cost of EHC's patients' prescriptions (1) incentivized EHC's patients to come to EHC because they could avoid or minimize out-of-pocket expenses for the medications and (2) increased the probability that EHC's patients could afford to pay EHC's cash fees because they avoided or minimized out-of-pocket expenses for the medications.

Manner and Means

51. The manner and means by which **ROBERT TAYLOR, LORI BARNETT, EVANN HERRELL, MARK GRENKOSKI, KERI MCFARLANE**, and others sought to accomplish the object of the scheme included, among others, the following:

a. **TAYLOR, BARNETT, HERRELL, GRENKOWSKI, and MCFARLANE** knew that the pharmacies at which EHC patients filled their EHC-issued prescriptions submitted electronic claims for reimbursement to Medicare, Kentucky Medicaid, TennCare, and other health care benefit programs.

b. EHC physicians frequently wrote prescriptions for drugs such as buprenorphine, benzodiazepines, pregabalin and gabapentin to patients in quantities and combinations that were not medically necessary and did so without sufficient medical examination or medical decision-making.

c. Additionally, EHC regularly submitted false and misleading “prior authorizations” to Kentucky Medicaid and TennCare (or their fiscal intermediaries).

d. Further, EHC providers and employees routinely issued prescriptions in the names of physicians that did not actually see or examine a patient on a given visit. In some instances, EHC personnel would print new versions of the prescriptions and another EHC physician (who did not see the patient) signed the prescriptions. The second physician would often do so without any meaningful consultation or interaction with the initial prescriber about the new prescriptions he or she was signing. In other instances, EHC employees, at the direction of one or more of the defendants named in this Count, contacted pharmacies directly and gave authorization for the pharmacy to convert the prescriptions

to another physician's name.

THE CHARGE

52. Beginning in or about 2013 and continuing through at least in or about November 2018, the exact dates being unknown to the grand jury, in Franklin County, in the Eastern District of Kentucky, and elsewhere,

**ROBERT TAYLOR,
LORI BARNETT,
EVANN HERRELL,
MARK GRENKOSKI,
KERI MCFARLANE,**

and others known and unknown to the grand jury, did knowingly, intentionally, and willfully combine, conspire, and confederate and did agree to:

a. commit wire fraud, that is, knowingly, willfully, and with the intent to defraud, having devised and intending to devise a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, transmit and cause to be transmitted by means of wire, radio, and television communication, writings, signs, signals, pictures, and sounds in interstate and foreign commerce for the purpose of executing such scheme and artifice in violation of Title 18, United States Code, Section 1343; and

b. commit health care fraud, that is, knowingly and willfully 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), 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(a)(1).

COUNT 5
18 U.S.C. § 1349

53. The allegations set forth in Paragraphs 1-29 of this Indictment are incorporated herein as if set forth in full.

54. **ROBERT TAYLOR, LORI BARNETT, EVANN HERRELL, MARK GRENKOSKI, KERI MCFARLANE**, and their co-conspirators agreed to engage in a scheme and artifice to defraud Medicare, Kentucky Medicaid, TennCare, and other health care benefit programs by causing the submission of false and fraudulent UDT claims for reimbursement that were not otherwise reimbursable.

Object and Purpose of the Scheme

55. The object and purpose of the scheme was for **ROBERT TAYLOR, LORI BARNETT, EVANN HERRELL, MARK GRENKOSKI, KERI MCFARLANE**, and others known and unknown to the grand jury, to increase EHC's profits by, among other things, causing the submission of false and fraudulent claims for reimbursement to Medicare, Kentucky Medicaid, TennCare, and other health care benefit programs for UDT. EHC required UDT so that its physicians would appear to be acting within the usual course of professional practice. EHC benefitted when health care benefit programs reimbursed the cost of its patients' UDT because EHC received this necessary service at no charge to EHC or its patients, helping EHC avoid scrutiny and increasing the likelihood that EHC's patients could afford the cost of their cash visits to EHC.

Manner and Means

56. The manner and means by which **ROBERT TAYLOR, LORI BARNETT, EVANN HERRELL, KERI MCFARLANE**, and others sought to accomplish the object of the scheme included, among others, the following:

a. **TAYLOR, BARNETT, HERRELL, GRENKOWSKI, and MCFARLANE** knew that the laboratories which performed UDT on EHC patients' specimens submitted electronic claims for reimbursement to Medicare, Kentucky Medicaid, TennCare, and other health care benefit programs.

b. EHC and its physicians routinely disregarded or failed to use the results of UDT administered to its patients in the course of their putative treatment of EHC's patients. This rendered these tests medically unnecessary.

c. Further, EHC and its physicians routinely ordered, or enabled laboratory companies to order, both (1) presumptive (also called "qualitative") UDT and (2) definitive (also called "quantitative") UDT when one or both of those tests were not medically necessary. In some instances, EHC physicians received both tests for a given patient at the same time, rendering one or both of the tests medically unnecessary.

d. Additionally, American Toxicology, a former clinical laboratory located in Johnson City, Tennessee, provided UDT services to EHC. American Toxicology was putatively owned by R.D., the wife of TAYLOR's friend, M.D., although M.D. directed the operation and management of American Toxicology. Throughout the entirety of American Toxicology's existence, M.D. was excluded from Medicare because of a prior felony conviction. Nonetheless, **TAYLOR and BARNETT** directed EHC's UDT business

to American Toxicology. As a benefit to EHC, American Toxicology did not seek reimbursement from EHC's uninsured patients, increasing the likelihood that EHC's uninsured patients could afford the cost of their cash visits to EHC. In exchange, American Toxicology profited from the claims it submitted to health care benefit programs for the presumptive and definitive UDT it performed on EHC's insured patients.

e. Additionally, American Toxicology employees, with the knowledge or assistance of EHC's physicians and staff, frequently submitted UDT claims to health care benefit programs using the names of physicians who were not the actual "referring" physicians who treated the patient on a given date of service.

THE CHARGE

57. Beginning in or about 2013 and continuing through at least in or about November 2018, the exact dates being unknown to the grand jury, in Franklin County, in the Eastern District of Kentucky, and elsewhere, the Defendants,

**ROBERT TAYLOR,
LORI BARNETT,
EVANN HERRELL,
MARK GRENKOSKI,
KERI MCFARLANE,**

and others known and unknown to the grand jury, did knowingly, intentionally, and willfully combine, conspire, and confederate and did agree to:

a. commit wire fraud, that is, knowingly, willfully, and with the intent to defraud, having devised and intending to devise a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses,

representations, and promises, transmit and cause to be transmitted by means of wire, radio, and television communication, writings, signs, signals, pictures, and sounds in interstate and foreign commerce for the purpose of executing such scheme and artifice in violation of Title 18, United States Code, Section 1343; and

b. commit health care fraud, that is, knowingly and willfully 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), 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(a)(1).

COUNT 6
18 U.S.C. § 1956(h)

58. Beginning in or about 2013 and continuing through in or about November 2018, in the Eastern District of Kentucky, and elsewhere,

**ROBERT TAYLOR,
LORI BARNETT,
EVANN HERRELL,
MARK GRENKOSKI,
KERI MCFARLANE,
HELEN BIDAWID,
STEPHEN CIRELLI,
EVA MISRA,
MATTHEW RASBERRY,**

and others, knowing that the property involved in financial transactions affecting interstate commerce represented the proceeds of some form of unlawful activity, did conspire to conduct such financial transactions, that is, the transfers of funds to and from BB&T account number xxxxx3932, which, in fact, involved proceeds of specified

unlawful activity, that is, the unlawful distribution and dispensation of controlled substances in Kentucky and elsewhere, with the intent to promote the carrying on of such specified unlawful activity, in violation of 18 U.S.C. § 1956(a)(1)(A)(i), all in violation of 18 U.S.C. § 1956(h).

COUNT 7
18 U.S.C. § 1956(h)

59. Beginning in or about 2013 and continuing through in or about November 2018, in the Eastern District of Kentucky, and elsewhere,

**ROBERT TAYLOR,
LORI BARNETT,
EVANN HERRELL,
MARK GRENKOSKI,
KERI MCFARLANE,
HELEN BIDAVID,
STEPHEN CIRELLI,
EVA MISRA,
MATTHEW RASBERRY,**

and others, did knowingly conspire and agree to knowingly engage and attempt to engage in monetary transactions by, through, or to a financial institution, affecting interstate and foreign commerce, in criminally derived property of a value greater than \$10,000, that is, the transfers of funds to and from BB&T account number xxxxx3932, such property having been derived from a specified unlawful activity, that is, the unlawful distribution and dispensation of controlled substances in Kentucky and elsewhere, in violation of 18 U.S.C. § 1957, all in violation of 18 U.S.C. § 1956(h).

COUNT 8
18 U.S.C. § 1957
18 U.S.C. § 2

60. On or about January 23, 2017, in the Eastern District of Kentucky, and elsewhere,

LORI BARNETT
and ROBERT TAYLOR,

aided and abetted by others, did knowingly engage and attempt to engage in a monetary transaction in criminally derived property of a value greater than \$10,000 and that was derived from specified unlawful activity, that is, the unlawful distribution and dispensation of controlled substances in violation of 21 U.S.C. §§ 841(a)(1) and 846, to wit, the deposit of check number 1146 drawn on BB&T account number xxxxx3932 in the amount of \$50,000.00 and made payable to Lori Barnett, all in violation of 18 U.S.C. §§ 1957 and 2.

COUNT 9
18 U.S.C. § 1957
18 U.S.C. § 2

61. On or about December 8, 2017, in the Eastern District of Kentucky, and elsewhere,

LORI BARNETT
and ROBERT TAYLOR,

aided and abetted by others, did knowingly engage and attempt to engage in a monetary transaction in criminally derived property of a value greater than \$10,000 and that was derived from specified unlawful activity, that is, the unlawful distribution and dispensation of controlled substances in violation of 21 U.S.C. §§ 841(a)(1) and 846, to wit, the deposit of check number 1075 drawn on BB&T account number xxxxx3932 in the amount of

\$50,000.00 and made payable to Lori Barnett, all in violation of 18 U.S.C. §§ 1957 and 2.

COUNT 10
18 U.S.C. § 1956(a)(1)
18 U.S.C. § 2

62. On or about December 8, 2017, in the Eastern District of Kentucky, and elsewhere,

LORI BARNETT
and ROBERT TAYLOR,

aided and abetted by others, did knowingly conduct and attempt to conduct a financial transaction affecting interstate and foreign commerce, to wit, the deposit of check number 1075 drawn on BB&T account number xxxxx3932 in the amount of \$50,000.00 and made payable to Lori Barnett, which involved the proceeds of specified unlawful activity, that is, the unlawful distribution and dispensation of controlled substances in Kentucky and elsewhere, with the intent to promote the carrying on of said specified unlawful activity and that, while conducting and attempting to conduct such financial transactions, the defendant knew that the property involved in the financial transactions represented the proceeds of some form of unlawful activity, all in violation of 18 U.S.C. §§ 1956(a)(1) and 2.

COUNT 11
18 U.S.C. § 1957

63. On or about August 1, 2017, in the Eastern District of Kentucky, and elsewhere,

ROBERT TAYLOR

did knowingly engage and attempt to engage in a monetary transaction in criminally

derived property of a value greater than \$10,000 and that was derived from specified unlawful activity, that is, the unlawful distribution and dispensation of controlled substances in violation of 21 U.S.C. §§ 841(a)(1) and 846, to wit, a transfer of funds in the amount of \$502,000.00 to BB&T account xxxxx1666, all in violation of 18 U.S.C. § 1957.

COUNT 12
18 U.S.C. § 1957

64. On or about December 7, 2017, in the Eastern District of Kentucky, and elsewhere,

ROBERT TAYLOR

did knowingly engage and attempt to engage in a monetary transaction in criminally derived property of a value greater than \$10,000 and that was derived from specified unlawful activity, that is, the unlawful distribution and dispensation of controlled substances in violation of 21 U.S.C. §§ 841(a)(1) and 846, to wit, the issuance of check 3067 in the amount of \$400,000.00 to National Financial Services account xxxxx2482, all in violation of 18 U.S.C. § 1957.

COUNT 13
18 U.S.C. § 1957
18 U.S.C. § 2

65. On or about June 17, 2016, in the Eastern District of Kentucky, and elsewhere,

EVANN HERRELL
and ROBERT TAYLOR,

aided and abetted by others, did knowingly engage and attempt to engage in a monetary

transaction in criminally derived property of a value greater than \$10,000 and that was derived from specified unlawful activity, that is, the unlawful distribution and dispensation of controlled substances in violation of 21 U.S.C. §§ 841(a)(1) and 846, to wit, a transfer of funds to Capital One account xxxxx4059 in the amount of \$36,293.07, all in violation of 18 U.S.C. §§ 1957 and 2.

COUNT 14
18 U.S.C. § 1956(a)(1)
18 U.S.C. § 2

66. On or about June 17, 2016, in the Eastern District of Kentucky, and elsewhere,

EVANN HERRELL
and ROBERT TAYLOR,

aided and abetted by others, did knowingly conduct and attempt to conduct a financial transaction affecting interstate and foreign commerce, to wit, a transfer of funds to Capital One account xxxxx4059 in the amount of \$36,293.07, which involved the proceeds of specified unlawful activity, that is, the unlawful distribution and dispensation of controlled substances in Kentucky and elsewhere, with the intent to promote the carrying on of said specified unlawful activity and that, while conducting and attempting to conduct such financial transactions, the defendant knew that the property involved in the financial transactions represented the proceeds of some form of unlawful activity, all in violation of 18 U.S.C. §§ 1956(a)(1) and 2.

COUNT 15
18 U.S.C. § 1957
18 U.S.C. § 2

67. On or about May 6, 2016, in the Eastern District of Kentucky, and elsewhere,

**MARK GRENKOSKI
and ROBERT TAYLOR,**

aided and abetted by others, did knowingly engage and attempt to engage in a monetary transaction in criminally derived property of a value greater than \$10,000 and that was derived from specified unlawful activity, that is, the unlawful distribution and dispensation of controlled substances in violation of 21 U.S.C. §§ 841(a)(1) and 846, to wit, a transfer of funds to First Tennessee Bank account xxxxx6902 in the amount of \$31,935.00, all in violation of 18 U.S.C. §§ 1957 and 2.

COUNT 16
18 U.S.C. § 1956(a)(1)
18 U.S.C. § 2

68. On or about May 6, 2016, in the Eastern District of Kentucky, and elsewhere,

**MARK GRENKOSKI
and ROBERT TAYLOR,**

aided and abetted by others, did knowingly conduct and attempt to conduct a financial transaction affecting interstate and foreign commerce, to wit, a transfer of funds to First Tennessee Bank account xxxxx6902 in the amount of \$31,935.00, which involved the proceeds of specified unlawful activity, that is, the unlawful distribution and dispensation of controlled substances in Kentucky and elsewhere, with the intent to promote the carrying on of said specified unlawful activity and that, while conducting and attempting to conduct such financial transactions, the defendant knew that the property involved in the financial transactions represented the proceeds of some form of unlawful activity, all in violation of 18 U.S.C. §§ 1956(a)(1) and 2.

COUNT 17
18 U.S.C. § 1957
18 U.S.C. § 2

69. On or about April 8, 2016, in the Eastern District of Kentucky, and elsewhere,

KERI MCFARLANE
and ROBERT TAYLOR,

aided and abetted by others, did knowingly engage and attempt to engage in a monetary transaction in criminally derived property of a value greater than \$10,000 and that was derived from specified unlawful activity, that is, the unlawful distribution and dispensation of controlled substances in violation of 21 U.S.C. §§ 841(a)(1) and 846, to wit, a transfer of funds to First Tennessee Bank account xxxxx1629 in the amount of \$33,741.33, all in violation of 18 U.S.C. §§ 1957 and 2.

COUNT 18
18 U.S.C. § 1956(a)(1)
18 U.S.C. § 2

70. On or about April 8, 2016, in the Eastern District of Kentucky, and elsewhere,

KERI MCFARLANE
and ROBERT TAYLOR,

aided and abetted by others, did knowingly conduct and attempt to conduct a financial transaction affecting interstate and foreign commerce, to wit, a transfer of funds to First Tennessee Bank account xxxxx1629 in the amount of \$33,741.33, which involved the proceeds of specified unlawful activity, that is, the unlawful distribution and dispensation of controlled substances in Kentucky and elsewhere, with the intent to promote the carrying

on of said specified unlawful activity and that, while conducting and attempting to conduct such financial transactions, the defendant knew that the property involved in the financial transactions represented the proceeds of some form of unlawful activity, all in violation of 18 U.S.C. §§ 1956(a)(1) and 2.

COUNT 19
18 U.S.C. § 1957
18 U.S.C. § 2

71. On or about October 7, 2016, in the Eastern District of Kentucky, and elsewhere,

KERI MCFARLANE
and ROBERT TAYLOR,

aided and abetted by others, did knowingly engage and attempt to engage in a monetary transaction in criminally derived property of a value greater than \$10,000 and that was derived from specified unlawful activity, that is, the unlawful distribution and dispensation of controlled substances in violation of 21 U.S.C. §§ 841(a)(1) and 846, to wit, a transfer of funds to First Tennessee Bank account xxxxx1629 in the amount of \$15,957.67, all in violation of 18 U.S.C. §§ 1957 and 2.

COUNT 20
18 U.S.C. § 1957
18 U.S.C. § 2

72. On or about March 10, 2017, in the Eastern District of Kentucky, and elsewhere,

HELEN BIDAVID
and ROBERT TAYLOR,

aided and abetted by others, did knowingly engage and attempt to engage in a monetary

transaction in criminally derived property of a value greater than \$10,000 and that was derived from specified unlawful activity, that is, the unlawful distribution and dispensation of controlled substances in violation of 21 U.S.C. §§ 841(a)(1) and 846, to wit, a transfer of funds to ORNL Federal Credit Union account xxxxx3010 in the amount of \$14,609.00, all in violation of 18 U.S.C. §§ 1957 and 2.

COUNT 21
18 U.S.C. § 1956(a)(1)
18 U.S.C. § 2

73. On or about March 10, 2017, in the Eastern District of Kentucky, and elsewhere,

HELEN BIDAVID
and ROBERT TAYLOR,

aided and abetted by others, did knowingly conduct and attempt to conduct a financial transaction affecting interstate and foreign commerce, to wit, a transfer of funds to ORNL Federal Credit Union account xxxxx3010 in the amount of \$14,609.00, which involved the proceeds of specified unlawful activity, that is, the unlawful distribution and dispensation of controlled substances in Kentucky and elsewhere, with the intent to promote the carrying on of said specified unlawful activity and that, while conducting and attempting to conduct such financial transactions, the defendant knew that the property involved in the financial transactions represented the proceeds of some form of unlawful activity, all in violation of 18 U.S.C. §§ 1956(a)(1) and 2.

COUNT 22
18 U.S.C. § 1957
18 U.S.C. § 2

74. On or about May 6, 2016, in the Eastern District of Kentucky, and elsewhere,

**STEPHEN CIRELLI
and ROBERT TAYLOR,**

aided and abetted by others, did knowingly engage and attempt to engage in a monetary transaction in criminally derived property of a value greater than \$10,000 and that was derived from specified unlawful activity, that is, the unlawful distribution and dispensation of controlled substances in violation of 21 U.S.C. §§ 841(a)(1) and 846, to wit, a transfer of funds to Bank of Tennessee account xxxxx8737 in the amount of \$13,818.09, all in violation of 18 U.S.C. §§ 1957 and 2.

**COUNT 23
18 U.S.C. § 1956(a)(1)
18 U.S.C. § 2**

75. On or about May 6, 2016, in the Eastern District of Kentucky, and elsewhere,

**STEPHEN CIRELLI
and ROBERT TAYLOR,**

aided and abetted by others, did knowingly conduct and attempt to conduct a financial transaction affecting interstate and foreign commerce, to wit, a transfer of funds to Bank of Tennessee account xxxxx8737 in the amount of \$13,818.09, which involved the proceeds of specified unlawful activity, that is, the unlawful distribution and dispensation of controlled substances in Kentucky and elsewhere, with the intent to promote the carrying on of said specified unlawful activity and that, while conducting and attempting to conduct such financial transactions, the defendant knew that the property involved in the financial transactions represented the proceeds of some form of unlawful activity, all

in violation of 18 U.S.C. §§ 1956(a)(1) and 2.

COUNT 24
18 U.S.C. § 1957
18 U.S.C. § 2

76. On or about April 8, 2016, in the Eastern District of Kentucky, and elsewhere,

EVA MISRA
and ROBERT TAYLOR,

aided and abetted by others, did knowingly engage and attempt to engage in a monetary transaction in criminally derived property of a value greater than \$10,000 and that was derived from specified unlawful activity, that is, the unlawful distribution and dispensation of controlled substances in violation of 21 U.S.C. §§ 841(a)(1) and 846, to wit, a transfer of funds to Home Federal Bank of Tennessee account xxxxx9263 in the amount of \$17,907.00, all in violation of 18 U.S.C. §§ 1957 and 2.

COUNT 25
18 U.S.C. § 1956(a)(1)
18 U.S.C. § 2

77. On or about April 8, 2016, in the Eastern District of Kentucky, and elsewhere,

EVA MISRA
and ROBERT TAYLOR,

aided and abetted by others, did knowingly conduct and attempt to conduct a financial transaction affecting interstate and foreign commerce, to wit, a transfer of funds to Home Federal Bank of Tennessee account xxxxx9263 in the amount of \$17,907.00, which involved the proceeds of specified unlawful activity, that is, the unlawful distribution and

dispensation of controlled substances in Kentucky and elsewhere, with the intent to promote the carrying on of said specified unlawful activity and that, while conducting and attempting to conduct such financial transactions, the defendant knew that the property involved in the financial transactions represented the proceeds of some form of unlawful activity, all in violation of 18 U.S.C. §§ 1956(a)(1) and 2.

COUNT 26
18 U.S.C. § 1957
18 U.S.C. § 2

78. On or about May 19, 2017, in the Eastern District of Kentucky, and elsewhere,

MATTHEW RASBERRY
and ROBERT TAYLOR,

aided and abetted by others, did knowingly engage and attempt to engage in a monetary transaction in criminally derived property of a value greater than \$10,000 and that was derived from specified unlawful activity, that is, the unlawful distribution and dispensation of controlled substances in violation of 21 U.S.C. §§ 841(a)(1) and 846, to wit, a transfer of funds to Bank of America account xxxxx2733 in the amount of \$35,620.86, all in violation of 18 U.S.C. §§ 1957 and 2.

COUNT 27
18 U.S.C. § 1956(a)(1)
18 U.S.C. § 2

79. On or about May 19, 2017, in the Eastern District of Kentucky, and elsewhere,

MATTHEW RASBERRY
and ROBERT TAYLOR,

aided and abetted by others, did knowingly conduct and attempt to conduct a financial transaction affecting interstate and foreign commerce, to wit, a transfer of funds to Bank of America account xxxxx2733 in the amount of \$35,620.86, which involved the proceeds of specified unlawful activity, that is, the unlawful distribution and dispensation of controlled substances in Kentucky and elsewhere, with the intent to promote the carrying on of said specified unlawful activity and that, while conducting and attempting to conduct such financial transactions, the defendant knew that the property involved in the financial transactions represented the proceeds of some form of unlawful activity, all in violation of 18 U.S.C. §§ 1956(a)(1) and 2.

FORFEITURE ALLEGATIONS

21 U.S.C. § 853

18 U.S.C. § 982(a)(7)

18 U.S.C. § 981(a)(1)(C)

28 U.S.C. § 2461(c)

18 U.S.C. § 982(a)(1)

1. Upon conviction of the offenses charged in Counts 1-3 of this Indictment, the same being punishable by imprisonment for more than one year, **ROBERT TAYLOR, LORI BARNETT, EVANN HERRELL, MARK GRENKOSKI, KERI MCFARLANE, HELEN BIDAWID, STEPHEN CIRELLI, EVA MISRA, MATTHEW RASBERRY, ELMER POWERS, and BRIAN BUNCH** shall forfeit to the United States of America any property constituting, or derived from, any proceeds they obtained, directly or indirectly, as a result of the controlled-substances violations and any property used, or intended to be used, in any manner or party, to commit, or to facilitate

the commission of, such violations, pursuant to 21 U.S.C. § 853.

2. Upon conviction of the offenses charged in Counts 4-6 of this Indictment, the same being punishable by imprisonment for more than one year, **ROBERT TAYLOR, LORI BARNETT, EVANN HERRELL, MARK GRENKOSKI, KERI MCFARLANE, HELEN BIDAVID, STEPHEN CIRELLI, EVA MISRA, and MATTHEW RASBERRY** shall forfeit to the United States of America any property, real or personal, which constitutes or is derived from proceeds traceable to the fraud violations, pursuant to 18 U.S.C. §§ 982(a)(7) and 981(a)(1)(C) and 28 U.S.C. § 2461.

3. Upon conviction of the offenses charged in Counts 7-28 of this Indictment, the same being punishable by imprisonment for more than one year, **ROBERT TAYLOR, LORI BARNETT, EVANN HERRELL, MARK GRENKOSKI, KERI MCFARLANE, HELEN BIDAVID, STEPHEN CIRELLI, EVA MISRA, and MATTHEW RASBERRY** shall forfeit to the United States of America any property, real or personal, involved in the money laundering violations, or any property traceable to such property, pursuant to 18 U.S.C. § 982(a)(1).

4. The property to be forfeited includes, but is not limited to, the following:

REAL PROPERTY:

- a. Real property known as 223 Spring Water Lane, Knoxville, Knox County, Tennessee;
- b. Real property known as 114 Perkins Lane, Jacksboro, Campbell County, Tennessee;
- c. Real property known as 266 Moore Drive, Kodak, Sevier County, Tennessee;
- d. Real Property known as 2 Portofino Drive, Unite 1001, Gulf Breeze, Escambia County, Florida;

VEHICLES:

- a. 2014 Jeep Wrangler Rubicon, VIN IC4BJWFG6EL234579;
- b. 2015 Dodge Ram 3500, VIN 3C63RRKL6FG508984;
- c. 2016 Porsche Cayenne, VIN WP1AA2A28GLA06665;

CURRENCY:

- a. \$119,073.00 in U.S. Currency seized from 114 Perkins Lane, Jacksboro, Tennessee;
- b. \$17,761.00 in U.S. Currency seized from 114 Perkins Lane, Jacksboro, Tennessee;
- c. \$17,394.00 in U.S. Currency seized from 114 Perkins Lane, Jacksboro, Tennessee;
- d. \$60.00 in U.S. Currency seized from 114 Perkins Lane, Jacksboro, Tennessee;
- e. \$985.00 in U.S. Currency seized from 114 Perkins Lane, Jacksboro, Tennessee;
- f. \$810.00 in U.S. Currency seized from 114 Perkins Lane, Jacksboro, Tennessee;
- g. \$11,117.00 in U.S. Currency seized from 114 Perkins Lane, Jacksboro, Tennessee;
- h. \$6,212.00 in U.S. Currency seized from 2305 N. Gateway Ave., Harriman, Tennessee;
- i. \$147,034.00 in U.S. Currency seized from 223 Spring Water Lane, Knoxville, Tennessee;
- j. \$607,981.10 in U.S. Currency seized from BB&T Bank account ending x1666 in the name of Robert Taylor;
- k. \$469,611.24 in U.S. Currency seized from BB&T Bank account ending x1383 in the name of Direct Primary Care of Mobile Inc.;
- l. \$437,542.60 in U.S. Currency seized from BB&T Bank account ending x3932 in the name of Express Health Care;
- m. \$250,384.32 seized from BB&T Bank account ending x5128 in the name of Robert Taylor;
- n. \$212,301.23 seized from BB&T Bank account ending x1445 in the name of Robert Taylor and Lori Barnett;
- o. \$4,760.52 in U.S. Currency seized from BB&T Bank account ending x3940 in the name of Express Health Care;
- p. \$30,292.79 in U.S. Currency seized from Andrew Johnson Bank account ending x8737 in the name of Stephen Cirelli;
- q. \$364,010.59 in U.S. Currency seized from Home Federal Bank account ending x9263 in the name of Eva Misra;
- r. \$106,243.87 in U.S. Currency seized from Capital One account ending x4059 in the name of Evann and Tracie Herrell;

- s. \$7,074.26 in U.S. Currency seized from ORNL Federal Credit Union account ending x3010 in the name of Helen Bidawid;
- t. \$237,567.58 in U.S. Currency seized from Mountain Commerce Bank account ending x4587 in the name of Eva Misra;
- u. \$85,435.41 in U.S. Currency seized from Bank of America account ending x6428 in the name of Matthew Rasberry;
- v. \$50,150.20 in U.S. Currency seized from Bank of America account ending x2720 in the name of Matthew Rasberry;
- w. \$4,525.51 in U.S. Currency seized from First Tennessee Bank account ending x6902 in the name of Mark and Carolyn Grenkoski;
- x. Funds held in Merrill Lynch investment account ending x9494 in the name of Matthew Rasberry, in the amount of \$107,000.00, plus interest and earnings;
- y. Funds held in RBC Wealth Management investment accounts ending x8798, x8920, x1862, and x1876 in the name of Robert Taylor, in the amount of \$18,352,655.48, plus interest and earnings;
- z. Funds held in Athene Investment account ending x1384 in the name of Robert Taylor, in the amount of \$3,846,974.60, plus interest and earnings;
- aa. \$8,387.08 in U.S. Currency seized from BB&T Bank account ending x1383 in the name of Direct Primary Care of Mobile Inc.;

MONEY JUDGMENT:

A forfeiture money judgment in the amount of the proceeds obtained by the defendants as a result of the aforesaid violations.

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

- 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,

the United States of America shall be entitled to forfeiture of substitute property pursuant

to 18 U.S.C. § 853(p).

All pursuant to 18 U.S.C. §§ 981(a)(1)(C), 982(a)(1) and (7), 21 U.S.C. § 853, and
28 U.S.C. § 2461(c).

A TRUE BILL



Handwritten signature of Carlton S. Shier, IV in blue ink.

CARLTON S. SHIER, IV
ACTING UNITED STATES ATTORNEY

PENALTIES

- COUNT 1:** Schedule III controlled substance:
Not more than 10 years imprisonment, \$500,000 fine, and at least 2 years supervised release.
- If prior felony drug conviction:** Not more than 20 years imprisonment, a \$1,000,000 fine, and at least 4 years supervised release.
- Schedule IV controlled substance:
Not more than 5 years imprisonment, \$250,000 fine, and at least 1 year supervised release.
- If prior felony drug conviction:** Not more than 10 years imprisonment, a \$500,000 fine, and at least 2 years supervised release.
- COUNT 2:** Schedule III controlled substance:
Not more than 10 years imprisonment, \$500,000 fine, and at least 2 years supervised release.
- If prior felony drug conviction:** Not more than 20 years imprisonment, a \$1,000,000 fine, and at least 4 years supervised release.
- Schedule IV controlled substance:
Not more than 5 years imprisonment, \$250,000 fine, and at least 1 year supervised release.
- If prior felony drug conviction:** Not more than 10 years imprisonment, a \$500,000 fine, and at least 2 years supervised release.
- COUNT 3:** Not more than 5 years imprisonment, a \$250,000 fine or twice the gross gain or loss, whichever is greater, and not more than 3 years supervised release.
- COUNTS 4 and 5:** Not more than 20 years imprisonment, a \$250,000 fine or twice the gross gain or loss, whichever is greater, and not more than 3 years supervised release.

COUNTS 6, 10, 14, 16, 18, 21, 23, 25, 27: Not more than 20 years imprisonment, \$500,000 fine or twice the value of the criminally derived property involved in the transaction, whichever is greater, and 3 years supervised release

COUNTS 7, 8, 9, 11-13, 15, 17, 19, 20, 22, 24, 26: Not more than 10 years imprisonment, \$250,000 fine or twice the value of the criminally derived property involved in the transaction, whichever is greater, and 3 years supervised release.

PLUS: Mandatory special assessment of \$100 per count.

PLUS: Restitution, if applicable.

PLUS: Forfeiture of listed assets.