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IN THE FIFTH JUDICIAL DISTRICT COURT, WASHINGTON COUNTY

STATE OF UTAH

STATE OF UTAH, Plaintiff, vs. TODD ALAN STIRLING, DOB: 11/05/1965 AG Case No. 2016-173 Defendant.	INFORMATION Criminal No. Judge
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THE STATE OF UTAH TO THE ABOVE-NAMED DEFENDANT:

The undersigned investigator, Zachary Snow, Utah Attorney General's Office, Utah
Medicaid Fraud Control Unit, upon a written declaration states on information and belief that the
Defendants committed the crimes of:

TODD ALAN STIRLING

COUNT 1

FALSE CLAIMS ACT, §26-20-7(1)(a)(b)(c)(e)
a Second Degree Felony

COUNT 2

PATTERN OF UNLAWFUL ACTIVITY, §76-10-1603(3)
A Second Degree Felony

RUSSELL AMMON HINTON

COUNT 1

**FALSE CLAIMS ACT, §26-20-7(2)(e)
a Second Degree Felony**

COUNT 2

**PATTERN OF UNLAWFUL ACTIVITY, §76-10-1603(3)
A Second Degree Felony**

COUNT 1

(TODD ALAN STIRLING)

FALSE CLAIMS ACT, a Second Degree Felony, in violation of Utah Code Ann. §26-20-7(1)(a)(b)(c)(e), (2007), in Washington County, State of Utah, from in or around December 2015 to in or around January 2016, in that the Defendant, **TODD ALAN STIRLING**, a party to the offense, knowingly, intentionally or recklessly, made or presented or caused to be made or presented to an employee or officer of the state a claim for a medical benefit (a) which was wholly or partially false, fictitious, or fraudulent; (b) for services which were not rendered or for items or materials which were not delivered; (c) which misrepresented the type, quality, or quantity of the items or services rendered; or (e) for items or services which the person or the provider knew were not medically necessary in accordance with professionally recognized standards; **to-wit:** from in or around December 2015 to in or around January 2016, Defendant, a Physician's Assistant and prior Director of Nursing of the Southwest Utah Public Health Department ("SWUPHD"), along with co-defendant Russell Ammon Hinton, improperly caused over 1,300 false claims to be submitted to the Utah Department of Health, Targeted Case Management program, for follow-up calls (Medicaid Code: T1017) allegedly made to Medicaid recipients. The submission of those claims resulted in Medicaid funds being paid to SWUPHD

for services which were wholly or partially false given that they were not provided in compliance with Medicaid policy, were either never provided or were not provided as billed, and/or were not medically necessary.

The cumulative value of the funds or other benefits received or claimed was over \$5,000.00, a second degree felony.

COUNT 2
(TODD ALAN STIRLING)

PATTERN OF UNLAWFUL ACTIVITY, a Second Degree Felony, in violation of Utah Code Ann. §76-10-1603(3), et seq. (1987), in Washington County, State of Utah, from in or around October 2015 to in or around February 2016, in that Defendant, **TODD ALAN STIRLING**, a party to the offense, was employed by or associated with any enterprise to conduct or participate, whether directly or indirectly, in the conduct of that enterprise's affairs through a pattern of unlawful activity. Defendant, **TODD ALAN STIRLING**, engaged in conduct which constituted the commission of at least three episodes of unlawful activity which episodes were not isolated, but have the same or similar purposes, results, participants, victims, or methods of commission, or otherwise are interrelated by distinguishing characteristics. Taken together, the episodes demonstrate continuing unlawful conduct and are related either to each other or to the enterprise, as defined in Utah Code Ann. § 76-10-1602, including, but not limited to, §76-10-1602(4)(d) (2014), false claims for medical benefits, kickbacks, and any other act prohibited by Title 26, Chapter 20, Utah False Claims Act, Sections 26-20-1 through 26-20-12; **to-wit:** from in or around October 2015 to in or around February 2016, Defendant, along with co-defendant Russell Ammon Hinton, engaged in a pattern of unlawful activity when he committed over 1,300 violations of the Utah False Claims Act, an unlawful activity enumerated

under U.C.A. § 76-10-1602(4)(d), by causing false claims to be submitted to the Utah Department of Health, Targeted Case Management program. Those claims were wholly or partially false given that they were not provided in compliance with Medicaid policy, were either never provided or were not provided as billed, and/or were not medically necessary. As part of his enterprise, Defendant established a company by the name of Feel Good Management, LLC (a company formed in Delaware) and used this company to hire employees, make contact with Medicaid recipients, submit improper invoices to SWUPHD and cause false claims to be submitted to the Medicaid program. Defendant was a principal of this company and benefitted financially from the enterprise. Defendant received payments from SWUPHD for the over 1,300 false claims that were paid by Medicaid, as well as for over 3,000 additional claims that Defendant submitted to SWUPHD, but which were not paid by Medicaid.

This activity is in violation of Utah Code Ann. § 76-10-1603(3), (1987), and is a second degree felony per § 76-10-1603.5(1) (2013).

THIS INFORMATION IS BASED ON EVIDENCE OBTAINED FROM THE FOLLOWING WITNESSES:

SA Zachary Snow, SA Coy Acocks, Emily Ballard, Dr. Blodgett, Mindy Bundy (McBride), Claudia Canallas, Shana Chavez, Kristy Cottrell, Lori McGuire, Megan Hinton, Russell Hinton, SaLote “Charlie” Kinikini, Julie Olson, Remle Orvin, Susan Peck, Lorenza Phillips, Autumn Rowland, Jeff Shumway, Scott Smith, Eliza Stirling, Jarod Stirling, Melissa Stirling, Todd Stirling, Chris White, and others

Pursuant to Utah Code Ann. §78B-5-705 (2008), I declare under criminal penalty of the State of Utah that the foregoing is true and correct to the best of my belief and knowledge.

Executed on this 5th day of June, 2017.

/s/Zachary Snow
ZACHARY SNOW
Declarant

Authorized for presentment and filing this 5th day of June, 2017.

SEAN D. REYES
Attorney General

By /s/ Kaye Lynn Wootton _____
KAYE LYNN WOOTTON
Assistant Attorney General