Members of the Labor, Health, and Human Services Committee and Members of the

Management Audit Committee:

I was not present at the most recent Labor, Health and Social Services Committee meeting in Evanston. However, it was brought to my attention that my name and situation was referenced in that meeting – specific to recent criminal convictions of Medicaid Fraud in Wyoming (Gibson Condie/Big Horn Basin Mental Health Group).

I believe one or more committee members questioned the Department of Health as to why the investigator on this successful case was terminated. I am told there were several caucuses during a committee recess and follow-up discussions and that the Wyoming Office of Attorney General may have advised the Director of the Wyoming Department of Health to remain silent - else anything said would be subject to discovery. This certainly caught my attention.

In an effort to inform and advise the Committees, below is a brief summary of the events that led to my termination from Wyoming Government Service and my actions that eventually led to the successful prosecution of Gibson Condie by Federal Authorities. Unfortunately, the circumstances described below and attached resulted in millions of dollars of unrecoverable general fund and federal match dollars (FMAP) as the result of neglectful prosecution of waste

and abuse. Also, unfortunately, some of Wyoming’s most vulnerable citizens were unnecessarily subjected to years of grossly substandard healthcare.

I would welcome the opportunity to meet before both Committees to present evidence of the below and to suggest legislative opportunities that would help prevent this problem moving forward.

As healthcare dollars become increasingly hard to identify every penny counts. Promoting checks, balance and controls that effectively identify and combat waste, abuse and frauds are an important response.

Respectfully Submitted,

Mark Gaskill, M.F.T, PMFT

307-414-0456

1. I, Mark Gaskill, was hired to serve as the Director of Wyoming Medicaid Program Integrity (beginning July 1, 2015)

2. In the course of serving in the capacity as the Director of Wyoming Medicaid Program Integrity I, Mark Gaskill, opened two investigations: (1) Northwest Wyoming Treatment Center (Provider No. 1267141 0, Investigation No. 2016-00151) and (2) Dr. Gibson Condie/Big Horn Basin Mental Health Group (Provider No.: 1240684 00, Investigation No. 2016-00193); these two cases were identified as having several connecting elements within the various fraud schemes

3. Both cases represented considerable risk to State general funds and Federal (FMAP) [1]

4. Both cases represented considerable risk to patient quality of care [2]

5. Both investigations resulted in suspension of payments by the Medicaid Program Integrity Office – authorized by me, Mark Gaskill, in my capacity as the Director of Wyoming Medicaid Program Integrity; notification of recoveries issued, and the subjects

were notified of their administrative rights [3]

6. The Wyoming Medicaid Program Integrity investigation identified evidence that one of the cases (Dr. Gibson Condie/Big Horn Basin Mental Health Group) had been previously investigated by both Wyoming Medicaid Program Integrity as well as the Wyoming Medicaid Fraud Control Unit (between 2009 and 2012) – see the attached notification authored by me, Mark Gaskill, and presented to Teri Green, Medicaid

Director, Tom Forslund, Director Wyoming Department of Health and the Wyoming Attorney Generals Office.

7. Evidence of conflicts of interest and obstruction of the previous investigation within

and by the Wyoming Office of Attorney General was uncovered in the previous investigation of Dr. Gibson Condie/Big Horn Basin Mental Health Group[4] [5]

8. Evidence of significant financial loss (federal and state) was identified as a direct result of the identified obstruction and conflicts of interest within the Wyoming Office of Attorney General and Wyoming Medicaid - the frauds scheme was allowed to continued and it increased in severity after the initial investigation was obstructed. Also note: Gibson Condie was later convicted of healthcare fraud based

upon the same data (as present in the 2009-2012 investigations), evidence clinical files and circumstances that my team, within the Medicaid Program Integrity Office, evaluated, and the same data/evidence the Federal Bureau of Investigation/HHS-OIG evaluated.

9. Executives within Wyoming Medicaid, Wyoming Department of Health, and the Wyoming Attorney General’s Office were notified in writing and in person on several occasions of both the identified obstruction and conflicts of interest within the Wyoming office of Attorney General

10. Program integrity experienced ongoing efforts to obstruct the Big Horn Basin Mental Health Group/Gibson Condie investigation

11. All cases and investigation materials/evidence – current cases and of the previous obstruction and conflicts of interest were turned over to HHS-OIG and the Federal Bureau of Investigation after efforts to mitigate conflicts and obstruction were unsuccessful

12. Efforts to mitigate pressures to obstruct the case were unsuccessful I, Mark Gaskill,

the Director of Wyoming Medicaid Program Integrity was fired shortly after identifying the conflicts of interest, confronting the investigation obstruction and then turning evidence and the investigation over to federal authorities. A move forward plan was suggested in writing and in person by Mark Gaskill, Medicaid Program Integrity Director, to mitigate identified risks.[6] The Wyoming Department of Health, Wyoming

Medicaid, and the Wyoming Office of the Attorney General’s office were non-responsive to this move forward recommendation. Termination of my employment by Teri Green and Tom Forslund came shortly after my request seeking an independent and unobstructed investigation into the identified fraud

14. Qui tams actions were filed on two components of this investigation – Dr. Gibson Condie/Big Horn Basin Mental Health Group and Northwest Wyoming Community

Action Program. The Gibson Condie qui tam has been settled in favor of the complainant/Mark Gaskill. The Northwest Wyoming Community Action Program qui tam has been unsealed and is still working its way though federal court

15. The ex-Program Integrity Director – Mark Gaskill - continues to experience harassment and intimidation from the Wyoming Attorney General’s Office

16. The Wyoming Medicaid Program Integrity is believed to be fifty percent (50%) federally funded. The Wyoming Medicaid Fraud Control Unit is believed to be one hundred percent (100%) federally funded

17. The ex-Program Integrity Director, Mark Gaskill, is now seeking relief and protection under the Whistleblower Protection Act of 1989, 5 U.S.C. 2302(b)(8)-(9), Pub.L. 101-12 as amended

18. Examples of the Conflict of Interests:

a. See attached memorandum from Mark Gaskill, dated April 19, 2016, and title “Wyoming Department of Health, Division of Healthcare Financing, Program

Integrity – Status Update and Statement of Concern”. This was emailed and presented in person to Teri Green and later to Tom Forslund and the Wyoming Office of the Attorney General

19. Select examples of obstruction of the Gibson Condie/Bighorn Basin Mental Health

Group investigation:

a. A meeting scheduled between the Wyoming Program Integrity Director (Mark Gaskill), the Program Integrity Policy/investigation staff and the FBI was

summarily cancelled by Teri Green and Tom Forslund – this meeting was scheduled to discuss the Big Horn Basin Mental Health Group / Gibson Condie investigation

b. Several directives were given to Mark Gaskill from Teri Green to drop the investigation (“like before”) and to let “everything settle down”

c. Directives were given to Mark Gaskill and Thomas Forslund not to have contacts with Federal authorities (HHS-OIG, the Federal Bureau of Investigation, the Department of Labor and the U.S. Forrest Service).

d. Requests for an independent audit of what happened to the previous Program Integrity Investigations (between 2009 and 2012) were denied by Teri Green – “There is no mechanism available to audit that issue.”

e. Efforts to wall off (Chinese Wall) identified conflicts of interest were not honored by Teri Green, Tom Forslund or the Wyoming Attorney General’s

Office.

f. Thomas Forslund and Teri Green attempted to subvert the investigation by forcing technical errors that would have violated required investigative timelines and notification requirements, thus compromising the civil actions being pursued by the Wyoming Medicaid Program Integrity Office.

g. A bogus Human Resources Action was threatened against Mark Gaskill (intimidation) – purporting a violation of FMLA of an Office of Attorney General’s Office, Assistant Attorney General. That action/treat was dropped after demonstrative contradictory evidence was provided to Teri Green and a counter action threated. A quid pro quo offer was made initially made by Teri Green that she would make said HR action go away if the Condi matter was subverted.

h. The Program Integrity Director, Mark Gaskill, was fired by Thomas Forslund and Teri Green

i. Other opened investigations and audits relating to associated and unassociated fraud schemes and waste and abuse were dropped (e.g. Provider No.s: 1001515 12 & 1001515 01; Investigation No.: 2016-00263 Northwest Wyoming Community Action Program, and the subsidized adoption audit) upon termination of Mark Gaskill

[1] Estimated loss total loss Northwest Wyoming Treatment Center ~$ 8+ million; Dr. Gibson Condie/Big

Horn Basin Mental Health Group ~$3.5+ million.

[2] Unenrolled, unvetted, and unlicensed providing care to Medicaid beneficiaries; care provided not

meeting minimal standards as evaluated by independent authorities. See Program Integrity Preliminary

Investigation Summaries for Big Horn Basin Mental Health Group and Northwest Wyoming Treatment

Center

[3] See Notifications of Recovery – Big Horn Basin Mental Health Group dated December 4, 2015;

Northwest Wyoming Treatment Center dated December 4, 2015.

[4] Demonstrative evidence provided upon request

[5] Conflict of interest and violations of Chinese law as defined and cited in Wyoming RULES OF

PROFESSIONAL CONDUCT FOR ATTORNEYS AT LAW

[6] See Executive Summaries dated submitted to the Wyoming Medicaid Director (Teri Green) and the

Director of the Wyoming Department of Health Thomas Forslund