



KENTUCKY

General News

March 2010

Attorney General Conway Rejects Request to Join Health Care Reform Litigation

Attorney General Conway has rejected a request from Kentucky House and Senate Republicans that he join a legal constitutional challenge of the recently passed federal health care reform law. In a letter to Senate President David Williams and Representative Jeff Hoover, General Conway said the lawsuits filed by other state attorneys general to block the new law are without merit.

“I do not intend to use Kentucky taxpayer resources to join in the legal challenge at a time when your chambers are considering painful cuts to social services and education,” General Conway said.

General Conway went on to say that, “decades of constitutional jurisprudence regarding the Commerce Clause upholds the Congress’s authority to effectively regulate health care and the health insurance systems in this country. That authority was upheld by the U.S. Supreme Court in 2005.”



Attorney General Conway says legal challenges to the new health care reform law, which will provide access to affordable health care to more than 650,000 Kentuckians currently without health insurance, are political stunts based on questionable legal principles.

More information — <http://tinyurl.com/yhsp3zb>

Attorney General Conway’s Prescription Drug Diversion Task Force Expands

The Hazard and Manchester police departments are the latest law enforcement agencies to join Attorney General Conway’s Prescription Drug Diversion Task Force. General Conway launched the statewide task force in August 2009 as part of his comprehensive plan to get illegal prescription drugs off of the streets and out of the hands of those who are abusing them.

“Prescription drug abuse is a problem that affects everyone, not just criminals,” said Hazard Police Chief Ronnie Bryant. “Average families are struggling with prescription pill addiction. I am thankful that the Attorney General and Operation UNITE are working with our police department and other law enforcement agencies to address this issue. We cannot fight this battle alone.”

General Conway praised Chief Bryant and Manchester Police Chief Jeff Culver for the work they are doing to fight the epidemic of prescription drug abuse in Kentucky.

“Through our task force, partnerships with law enforcement across Kentucky and our continued work with Operation UNITE, we can step up our fight against an enemy that has devastated families in every corner of the Commonwealth,” said General Conway.

Owensboro Police, the Menifee County Sheriff’s Department and Morehead City Police are also among the local law enforcement agencies that have assigned officers to General Conway’s Prescription Drug Diversion Task Force.



Kentucky Attorney General
Jack Conway

Medicare Scam Targets Senior Citizens

Attorney General Conway warns senior citizens they could be targeted as part of a Medicare scam that has hit Kentucky and other states. The scam revolves around fraudulent phone calls asking for personal information so that new Medicare cards may be issued to the consumer. The caller claims to represent Medicare or the Social Security office and asks the consumer to verify or provide information, such as a Medicare number.

“If you receive one of these calls, hang up the phone immediately,” General Conway cautioned. “Medicare or Social Security employees will not contact you via phone requesting this type of information. If you have any questions about the status of your Medicare or Social Security benefits, you can contact the agencies directly.”

Calls reported to the Attorney General have originated from 866-234-2255. When investigators dialed the number, they reached a recording that states the number is being spoofed by “Medicare scammers” and that calls should be reported to the Attorney General or the Federal Communications Commission (FCC).

More information — <http://tinyurl.com/ybm3yb6>

Kentuckians of All Ages Urged to Be Wise Consumers

Attorney General Conway joined with representatives from the Better Business Bureau, AARP and Kentucky Council for Economic Education (KCEE) to raise awareness about the importance of being a wise consumer, at any age.



During National Consumer Protection Week, March 7-13, General Conway and representatives from the BBB, AARP and KCEE spoke to students and senior citizens at South Oldham Middle School in Crestwood, Ky. and Stonewall Elementary in Lexington, Ky.

“Whether you are in grade school or in retirement, it is important to be a careful consumer, utilize smart financial practices and keep your personal information safe and secure,” said General Conway. “Children who understand the marketplace and the importance of making wise buying decisions will grow into financially responsible adults and business owners.”

General Conway and his partners stressed the importance of being vigilant against fraud and scams. Kentucky consumers who believe they have been scammed or have received a suspicious solicitation can file a complaint with the Attorney General’s office at <http://ag.ky.gov/civil/consumerprotection/complaints/>

Mason County High Takes Top Honors in Annual LifeSmarts Competition

Mason County High edged out Louisville’s DuPont Manual and Bracken County high schools to claim the state LifeSmarts championship title at Kentucky State University in Frankfort on March 4.

“I would like to congratulate Mason County High for taking top honors in this year’s LifeSmarts competition and I wish them the best of luck as they represent Kentucky in next month’s national competition,” said General Conway. “I also want to thank all of the students and coaches who participated in LifeSmarts and who recognize the importance of being savvy, well-informed consumers.”

LifeSmarts is an annual consumer education game-show style competition for high school students coordinated by the Office of the Attorney General and the Department of Financial Institutions in partnership with the Department of Insurance, Kentucky Cooperative Extension Service and the Better Business Bureau.



The national competition will be held in Miami in April.

Attorney General Conway Announces \$42.5 Million Settlement with Alharma Inc. over Fraud Allegations

Kentucky has joined with other states and the federal government in reaching agreement, in principle, with pharmaceutical manufacturer Alharma, Inc. to settle fraud allegations. The settlement involves allegations that Alharma caused false or fraudulent claims for Kadian, a sustained release morphine sulfate product for management of severe pain, to be submitted to the Medicaid program.

Under the agreement, Alharma has agreed to pay the participating states and the United States \$42.5 million, plus interest. Medicaid programs nationwide will receive approximately \$19.2 million of the total settlement. Kentucky’s total portion of the settlement is \$281,699.89. Medicaid is funded jointly by the federal and state governments.

Kentucky alleged that during the period of January 1, 2000 through December 29, 2008, Alharma offered and paid for training programs, consulting forums, research grants, speakers’ bureaus and made or disseminated false statements about the safety and efficacy of Kadian, all of which was done to induce health care providers to prescribe Kadian.



CYBERCRIMES

Lawrenceburg Man Arrested On Child Pornography Charges

A Lawrenceburg man was arrested on March 31 after being indicted on three counts of possession of matter portraying a sex performance by a minor, a Class D felony. The charges against 55-year-old Mark C. Whitaker stem from a lengthy investigation by the Attorney General Conway's Cybercrimes Unit.

An Anderson County grand jury indicted Whitaker on March 29, 2010. His whereabouts were unknown at the time. A tip from the public led the Anderson County Sheriff's Department to Whitaker.

Marion County Man Indicted for Possession of Child Pornography

An investigation by Attorney General Conway's Cybercrimes Unit has resulted in the arrest and indictment of a Lebanon, Ky man for possession of child pornography. On March 19, 2010, a Marion County grand jury indicted 45-year-old Sherman Pike, a convicted sex offender, on four counts of possession of matter portraying a sex performance by a minor, a Class D felony. Pike was also indicted on one count of being a persistent felony offender, first degree. He was convicted in 1991 in Tennessee of aggravated sexual battery involving a 10-year-old girl.

Investigators from General Conway's Cybercrimes Unit, with assistance from the Marion County Sheriff's Department and Lebanon Police, executed a search warrant at his home on February 1, 2010.

Since its creation in June of 2008, Attorney General Conway's Cybercrimes Unit has removed more than 55,000 child pornographic images and videos from the Internet and investigated more than 100 child pornography cases resulting in felony charges against 54 individuals.

A charge is merely an accusation and a defendant is presumed innocent until and unless proven guilty.

Another Guilty Plea in Madison Manor Abuse Investigation

Another former nurse's aide at Richmond Health and Rehabilitation Complex (Madison Manor) entered a guilty plea to wanton abuse and neglect of an adult. Amanda Sallee, of Richmond, was charged in connection with the abuse and neglect of a former resident of Madison Manor in August 2008. Sallee was indicted in April 2009. She pled guilty on Thursday, March 4, 2010.

Under the terms of the plea agreement, Sallee will serve one year in the Kentucky Department of Corrections. The sentence will be diverted for a period of five years on the condition that the defendant remain on good behavior, not work with vulnerable adults or children, not work in the health care industry or for a Medicaid or Medicare provider, perform 100 hours of community service, and cooperate fully in further investigations involving Madison Manor Nursing Home.

This is the third nurse's aide to plead guilty in connection with abuse and neglect at Madison Manor.