



INSPECTOR GENERAL REPORT

2008-05-0129

November 5, 2008

INELIGIBLE INSURANCE DEPENDENT

Inspector General staff attorney Todd Shumaker, after an investigation by Special Agent Darrell Boehmer, reports as follows:

This investigation involved an employee of the Indiana Department of Corrections (DOC) who enrolled his girlfriend for coverage on his State-sponsored dental insurance plan during an open enrollment period. The employee was residing in Indianapolis, Marion County, Indiana at the time of the offense.

The Office of the Inspector General (OIG) is responsible for addressing fraud, waste, abuse and wrongdoing in state agencies. IC 4-2-7-2(b). It is specifically charged to investigate the class D felony offense of Official Misconduct as alleged in IC 35-44-1-2, which offense is defined as a public servant committing an act that is prohibited by law. IC 4-2-7-3(3)(C).

On May 7, 2008, the OIG received a complaint from the State Personnel Department (SPD) alleging that James Tubbs, a State of Indiana employee at the Plainfield Correctional Facility was covering an ineligible dependent on his State-sponsored dental insurance plan. Specifically, SPD records reflected that Tubbs

enrolled his girlfriend for coverage on his State-sponsored dental insurance plan as his spouse.

Every year, SPD requires that State employees select specific benefits, including dental insurance, in what is known as an open enrollment period. Aside from this open enrollment period, employees are only permitted to change their benefits packages and insurance coverage upon the occurrence of a qualifying event as defined by SPD. An example of a qualifying event would be a person's marriage outside of the open enrollment period.

During the open enrollment period, employees also identify dependent children and spouses who will be covered under their insurance plans. Once employees have finished selecting their benefits and have identified the dependents to their plan, they are required to certify the accuracy of the enrollment information before it is submitted to SPD.

It was during an open enrollment period on December 3, 2003 that Tubbs enrolled his girlfriend as his spouse for coverage on his State-sponsored dental insurance plan.

“Spouse” is defined by SPD as “one’s wife or husband” which does not include one’s girlfriend.

This coverage was effective January 4, 2004 and continued through the commencement of the OIG’s investigation. During that time the State of Indiana paid \$1,497.99 more in premiums for the family plan than the single plan and paid a claim for \$84.80 for services received by Tubbs’ girlfriend.

When SPD learned of this fraudulent enrollment, it requested that Tubbs produce a marriage certificate to confirm his marriage. Tubbs confirmed at that point that his girlfriend was an ineligible dependent on his dental insurance plan.

In an interview conducted on July 28, 2008 by OIG Special Agent Darrell Boehmer, Tubbs explained that he added his girlfriend to his State-sponsored dental insurance plan in 2003 to cover the costs of any dental expenses that were unreimbursed under the dental insurance plan offered by her employer. Tubbs noted further that his girlfriend was the beneficiary of his life insurance policy, her name was on the couples' utilities and the couple had taken out loans jointly.

These facts were submitted to the Office of the Prosecuting Attorney in Marion County, and criminal charges of theft , a class D felony under I.C. 35-43-4-2 , insurance fraud, a class D felony under I.C. 35-43-5-4 and official misconduct, a class D felony under I.C. 35-44-1-2, were filed.

Dated this 5th day of November, 2008.

APPROVED BY:



David O. Thomas, Inspector General