

SB 684

My name is Mike Brooks. I am the whistleblower referred to in Dr. Eric Dover's testimony. I was the database administrator and programmer for Agate Resources, Lane Individual Practice Association, Trillium Community Health Plan(s), "Agate Healthcare", and 20 plus shell companies operated by Agate Resource executives. The shell companies included mail order pharmacies, private insurance companies, durable medical equipment supply companies (DME), home medical services, etc.

Brooks usually refers to these as "Agate", but Agate itself is a fictitious, fraudulent corporation, as is Trillium and all of their shells. They have no employees, and their management is Centene. None of these "companies" have any facilities or assets. They are purely paper companies that exist as cutouts to make it difficult to sue or investigate Centene. Brooks pointed this out in a letter of June 8, 2014, to the Oregon Health Authority and Oregon Insurance Division.

Brooks was injured on the job and those injuries were never cared for. The right retina was detached in April 2012.

Brooks' right foot was broken in November 2012. He was told by an orthopedic surgeon that his foot required surgery. A lathe fell on it and crushed it in January 2013. Agate refused to grant Brook's time off for surgery but promised to take care of it in November 2013 but surgery was put off and wasn't scheduled until Brooks was fired by Agate for his whistleblowing.

Brooks was Data Warehouse Administrator (lead DBA) until he was demoted and removed from IT for speaking out at a staff meeting in 2012 about **the selling of patient medical records and patient profiling**. This was witnessed by 35 Agate Resources employees. Brooks stood up in a staff meeting on HIPAA and patient protections and complained about Agate's "unethical" business practices. Agate's response was to call Brooks racist names, change his job classification from Hourly to Exempt and create such a hostile work environment that Brooks would quit.

Agate then assigned Brooks custodial duties early in the morning from 5 AM until 8:30 AM when he would then put on a different hat and become the Data Warehouse Administrator and worked until 7 PM and later. On August 19, 2013, Brooks was working as a custodian in the early morning, when a heavy steel cart

tipped over and broke his left foot which swelled so severely that the skin split. An MRI was done on August 28. That was phoned into Agate on September 9, 2013. Brooks was told to bring in his MRI and medical chart notes and that he was not permitted to return to work until he brought them. Brooks got the MRI results on Thursday, August 12, and brought them in along with a form 801 Workman's Compensation form. The 801 form was torn up in front of his face by the COO Patrice Korjenik. Brooks has the phone records and recordings for this.

Brooks' question is, how is it that a worker injured on the job, is denied not merely medical care, but access to medical care? Oregon makes a mockery of their contracts with OSHA and the EEOC. Brooks has recordings of agency heads telling Brooks that the federal government has no jurisdiction in Oregon; that includes the Civil Rights Commission, US Department of Justice, OSHA, US Department of Labor and HHS.

Brooks was placed on "Administrative Leave" by Human Resources Monday morning, August 16 for a "secret" reason Agate executives refused to provide. Agate kept telling Brooks he needed to quit but he refused. He was fired August 27, 2013.

Brooks has recordings and emails showing that Agate was calculating to get rid of an injured whistleblower to both punish him and to avoid paying for his on the job medical injury costs. It needs noting that Agate seized Brooks medical savings account and even refused to offer COBRA insurance.

Agate and Oregon broke just about every law possible. Agate and Oregon never treated Brooks' injuries. The injuries to Brooks lower and upper spine ended up paralyzing him on the left side of the body, destroyed his involuntary swallow reflex, and damaged the nerve system to Brooks' heart. MRI images show only some of the extent of the damage. Brooks has developed multiple sclerosis as a result of these on the job injuries.

Making matters worse, Trillium operated as the Benefits Manager for OEBC and Public Employees insurance. Agate blocked care for even medical imaging when it was obvious that Brooks was paralyzed and having heart arrhythmias. This was Agate's modus operandi for all lives they had medical control over.

Brooks got medical services when he developed an infection of the brain stem in November 2018 and was running a fever that varied between 102.6 and 105. Brooks was admitted to the emergency room at PeaceHealth-Sacred Heart, River Bend. Agate attempted to block services.

In the Federal District Court, in spite of the fact that Brooks was impoverished, the Court refused to grant accommodations or appoint counsel or even grant accommodations. Brooks was in the hospital, recovering from one of three major surgeries while Oregon Federal District Court Judges were issuing Orders and Opinions and Stoel Rives law firm who represented Agate had teams of three to six lawyers and paralegal assistants filing hundreds of pages of court documents.

Federal District Court Judge Kasubhai had the gall to criticize Brooks for not answering 55 pages of legal mishmash he filed the day after Brooks had a 7.5 hour long heart surgery to repair a valve and try to fix the arrhythmia (atrial flutter, atrial fibrillation, and bradycardia) that had Brooks' heartbeat 416 BPM for lengthy periods of time and, then, just stopping. Brooks had written the Court, requesting an extension of time or stay because of the impending surgery. Stoel Rives objected, the judge concurred. The Court took this as an opportunity to end the trial by flooding Brooks with an impossible amount of paperwork and denying any legal assistance. So much for the ADA, ADAAA, and Rehabilitation Act.

Brooks in addition to the case he filed regarding his medical and unemployment benefits also filed a qui tam case. Judge Aiken eventually appointed incompetent counsel which Brooks had no say in. That counsel hired a law firm whereupon he quit and joined that firm. This firm who was representing Brooks qui tam case, in turn hired another lawyer to represent Brooks in his wrongful termination case. Brooks had zero say so in any of this.

The lawyer representing Brooks in his wrongful termination case, for reasons unknown to Brooks, went on vacation for three months and, when she returned, gave Stoel Rives all of the evidence and records provided by Brooks to his qui tam lawyers. That was on September 10, 2017. Brooks has not seen those documents since. He had copies of a very few.

Brooks had kept copies of records from Agate, showing fraud, fraudulent records, recorded phone calls, etc. on a cloud and email account. Agate had hacked into that

account. Brooks found that out from the Microsoft Corporation and has records proving that and all of their intrusions. How Agate learned of the existence of that email account, much less the password, seems to involve assistance from the Oregon Department of Justice. What, pray tell, is the Oregon Attorney General doing helping a corrupt state contractor hack into a whistleblower's email account.

Brooks was the DBA at Trillium Community Health Plan/Trillium CCO that saw and handled the records of medical fraud and patient harm being referred to. Brooks gave those records to federal investigators.

Trillium is a wholly owned subsidiary of Agate Resources which is a wholly owned subsidiary of the Centene Corporation. As I stated in my testimony before the Insurance Division on June 8, 2015, Trillium is a fraudulent conveyance. Trillium has no employees, no facilities, no assets whatsoever. It is purely a paper fiction perpetuated by the state of Oregon on the federal government. In fact, for technical reasons I can get into with the members of this committee, Trillium does not even have a valid license to conduct insurance business in Oregon. Agate and Centene have never had licenses to conduct insurance in Oregon, but Agate has spent the last 20 years operating various insurance businesses in Oregon.

Agate Resources is also a fiction. It has no shares or shareholders, no employees or assets, no facilities, business, nothing. It is a paper corporation that supposedly owns Trillium Health and a myriad of shell companies. Agate Resources and Trillium are actually wholly owned by the Centene Corporation. That is who pays the employees and legal bills. The employees are instead passed off as Trillium employees or employees of whatever enterprise some executive decides to cook up on the spot. This is done to avoid legal charges of fraud, tax law violations and Sarbanes Oxley violations. It also permits Centene to formulate "business entities" on the fly, especially entities doing business selling records, profiling patients, creating mail order pharmacies and DME vendors and acting as Benefits Managers for under names like Care Core and eviCore, etc.

As the lead DBA I personally saw, handled and gave federal investigators documents showing the sale of Oregon State Psychiatric Hospital patient's medical records, hundreds of HIV positive laboratory test results along with names and addresses, college student records including foreign student's records, foster

children medical records and much more most likely including your own medical records.

The Foreign student medical records sold included information such as female student's records from Islamic countries who had abortions, records of a Russian student who wet the bed, medical and counseling records, etc. The medical records sold were deliberately chosen to humiliate and be used as blackmail material. I want it made clear; ALL these records came from the Oregon Health Authority who sold them to Agate. Agate, Trillium, etc. had no right nor legal reason to possess or even see those records. This needs stressing because it violates international law and there is not one thing Oregon can do to avoid the problems arising from that. It violates the Fourth Geneva Accord, Section 3. Some of these college students were children of heads of state.

These are violations of UN Treaties "International Covenant on Civil and Political Rights", "Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment", the "Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons", the Conventions on the Rights of Children, all of which the United States has ratified.

Agate Resources, in turn, sold those records to information warehouses and employers. One of those information warehouses was Israeli and appeared to be Israeli Intelligence, collecting information on Arab and Russian students. Bluntly, why was Oregon and its contractors involved in espionage? There is no polite way to put this. If found guilty before the International Court of Justice, and that is where this is heading, the United States WILL BE found guilty of crimes against humanity. Oregon, for violating those treaties, is going to be in for more trouble than they ever bargained for. At the very least, this state stands to lose millions of dollars in federal contracts. Oregonians are better than selling the secrets of children entrusted to us as guest students.

As noted earlier, Agate sold hundreds of HIV patient records. I took those records and gave them to federal investigators and state officials. Those records were sold to employers, information warehouses, medical providers (including doctors who usually dropped those patients) and to what I thought were foreign intelligence services. It did not end there, tens of thousands of employees and their family's medical, prescription drug, counseling and laboratory records were sold. Everyone

merely assumes that was because these were private employees, poor or sick. They forget that **Agate/Trillium/Centene is the Benefits Manager and Pharmacy Benefits Manager contracts for Oregon Public Employees and schoolteachers whose records were also sold.**

The records sold were not just those of private workers being sold to employers looking to save money by dumping costly workers. Those records were also sold to Information warehouses, banks, and credit agencies.

Those Information warehouses, banks and credit agencies also bought records for public employees and schoolteachers. Remember, Agate was the Benefits Manager for OEGB and PEBB insurance products. Agate had complete access to your records, too. It was not just the poor and sick that were victims. Public Employees and School teachers end up paying 2, 3, 5 points extra on a credit card, personal credit loans, a car loan, a home loan, etc. as a result; or they were mysteriously denied a loan.

If you are a public employee, realize that your superiors are likely, and they certainly can, looking through your health records, marriage counseling records, alcohol and/or drug treatment records, your child's medical records, your spouse's STD records and much more. Brooks provided records of this to the state and federal court. This information and collaborating documents were sent to Attorney General Ellen Rosenblum on June 9, 2014. Her office intercepted these records being sent to the Oregon Federal Court of Appeals. Brooks can identify the DOJ attorneys who took possession of those records.

Brooks provided records of the sale of patient information and hundreds of millions of dollars in fraud to Secretary of State Richardson who not only sent them to AG Rosenblum, but he also spoke with her about them and secured a promise to prosecute Agate's executives for tax fraud, claims fraud, primacy violations, and other criminal acts.

Brooks filed a qui tam suit as a favor to investigators from CMS because no one seemed to be taking this seriously. That was on September 2, 2014. Stoel Rives, attorneys for Agate, Trillium, Oregon, MODA in this mess, held a discovery conference with Brooks on August 12, 2015, where they learned of the extent of records Brooks had. Stoel Rives used a state employee, currently a senior Auditor,

Sandra K. Hilton, to request those records the following day, August 13, 2015. Brooks was furious because he had contacted Secretary of State Kate Brown about this on February 10, 2012 and called her Audit Division on February 15, 2012. Brooks called them again the following year. They simply were not interested in the criminal activities of Agate.

Now, three and a half years later the Oregon Audit Division was trying to get these same records for Stoel Rives? Just so you know, Brook's records telephone calls and kept all of those emails. Stoel Rives answer was to secure a "Protective Order" (issued on January 20, 2016) from Oregon District Court Judge Ann Aiken that can be more properly termed a gag order. Brooks was forbidden from giving records to Congress, any other federal Court, any federal agency, even the IRS, about what he saw "without the permission of Stoel Rives". So, what about the 28,000 employees whose spouses, children and their own medical records were sold in just Lane County? What about the tens of thousands in Oregon? What about the millions of public and private employees in 33 states across the country and thousands of foreign nationals? They were not permitted to know why they were fired! Eight out of every 10 private employees with family medical costs exceeding \$40,000 in a year lost their job.

It gets worse. Brooks turned over records in the 100s of millions of dollars in fraudulent claims. Agate corporate officers and doctors charged multiple times (up to 25 plus times) for a single visit or procedure such as adjusting orthopedic appliances with CPT codes like 20680, but Agate did this illegal billing for any procedure or office visit. The federal district court judge did not merely ignore the CMS medical billing schedule and regulations, the judge argued for Agate and State's lawyers in court! When it was pointed out, he had the gall to accuse Brooks of stalling! Brooks is owed an apology or that judge needs to be impeached.

The federal district court judges ignored these illegal billings. Regarding the budget shortfall the state is facing, the claw back and penalties would pay for the budget shortfall AND the retirement liabilities 36 times over. The state could cease collecting taxes or pay every resident of the state \$50,000 a year for the next five years. It is an astronomical sum of money. Of course, it does not end there.

When Agate-LIPA was sold to Centene you were told there were 80,000

outstanding shares and certain executive got \$5.7 million. The CEO claimed \$5.7 million for his shares but the actual records show he had \$10.6 million in shares on August 31, 2013. Mr. Terry Coplin and other corporate insiders were busy buying shares from unsuspecting doctors and employees (aka “insider trading”) between August 31, 2013, and August 31, 2015.

There is an entire group of insider executives that committed massive tax fraud. There were 103,202,000 shares in 2013, not 80,000 (worth \$201,243,900) and at least 115 million shares in 2015 when the sale took place. There was over \$100 million in shares for which no taxes were paid — no state or federal income tax, no capital gains tax. This is a far cry from the \$130 million reported in the newspapers and, apparently to the state and IRS. Greedy executives swindled the swindlers at the state out of millions of dollars. They even swindled LIPA doctors who were shareholders.

And no one can begin to account for the \$161 million in “reserve funds” - money that was supposed to go for patient medical expenses - that was taken by Agate executives. Today, patients get third rate care while Trillium’s parent board members get \$50 and \$60 million dollars in bonuses. This is going on right now, right this minute. Every dime withheld from patient services and not paid to a doctor, clinic or hospital for providing care, becomes the property of Centene at the end of the fiscal year.

Agate-Centene receives \$650 per patient to provide care for Medicaid patients. Because of the sale of records on so called “Hot Spotter” report, thousands of those patients were dumped by doctors or could not find doctors. Many patients went for three years without a doctor. Since Agate paid doctors a flat rate, \$200 or so a month, with no doctor, there was more money to put into the reserve fund. No doctor meant no prescriptions for restricted patient medications (pain relievers, hypertension medication, heck vitamin D supplements). It meant no referrals for extras costly healthcare. And that meant more money went into the reserve fund and ultimately executive bonuses.

Remember, Brooks had those records and knows where they are. The Legislature can access them all and use Brooks to explain them and this entire enormous scam.

Nothing has been done about this because Oregon’s elite protected their campaign



donation gravy train. The dirty little secret is that the least able to defend themselves are the victims of this in Oregon. Black foster children get referrals less than 10% of the time. Native American and Hispanic kids get referrals even less often than that...6% of the time. How often would you expect a referral for your child to be denied when they have a possible broken bone, an autoimmune disease such as Crohn's, leukemia, or some other serious medical concern? Almost never. I saw dozens of children DIE because of this and have been threatened with prison by a federal judge for evening thinking about complaining of it.

Thirty-six percent of Native American women have such lousy prenatal care that they end up delivering in emergency rooms. A quarter of those ended up as c-section deliveries and twenty seven percent of those women were/are sent home within four hours of that major surgery. Most return within 24 hours, with distressed or dead babies and/or hemorrhaging.

Every dime saved from the totality of these atrocities, and there were exponentially more, went to executive bonuses or shareholder increases. This is what the Oregon federal district court, Kate Brown, Ellen Rosenblum, the Oregon DOJ, Oregon state and federal courts and many others have been protecting. The cronyism and nepotism in Oregon are out of control and damaging the state severely. It needs to come to a stop immediately.

Agate was selling employee and family medical, prescription drug, counseling, laboratory records, etc. in 33 states. Brooks actually calculated the HIPAA mandatory fines for that...\$1,005 BILLION. Oregon, because Brown, Rosenblum, Saxton, Allen, Cali, Avakian, the OHA, the DOJ and many other bureaucrats knew of these criminal acts, refused to stop them, helped hide them, help punish the whistleblower that revealed them, now Oregon is now on the hook legally and financially.

Brooks could go on and show numerous other scams such as where Oregon and the **OMB** facilitates the violation of the Assignment Payments (maximum allowable charges) on set CMS Physicians Fee Schedule patient copayments for Medicare, ACA, and some Medicaid patients along with dozens of other schemes that steal money and diminish patient care. The OMB is quite aware of all this but refuses to address it regarding their licensees who are involved. Those schemes cost the poorest seniors the few dollars they have for food. This is why 30% of Oregon

children go to bed hungry.

Brooks can attend any state hearing at your convenience and stand ready to testify. Ultimately, this needs to go before Congress and the World Court. The very idea of my government being involved in such scandal is beyond comprehension. Do not try to bury this because it is not going away.

Respectfully

Mike Brooks