

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

In re:

TEHUM CARE SERVICES, INC.,¹

Debtor.

Chapter 11

Case No. 23-90086 (CML)

United States Courts
Southern District of Texas
FILED
JUN 21 2024
Nathan Ochsner, Clerk of Court

**CHESTER L. BIRD'S SUGGESTION OF ILLEGAL ACTIVITIES
BY THE CORPORATE OFFICERS OF CORIZON HEALTH, INC. N/K/A
TEHUM CARE SERVICES, INC., CHS TX, INC. AND YESCARE CORP.**

Chester L. Bird (Mr. Bird), *pro se*, submits the following in suggestion that certain corporate officers of Corizon Health, Inc. (Corizon), n/k/a Tehum Care Services, Inc. (Tehum), CHS TX, Inc. (CHS) and YesCare Corp. (YesCare) have and continue to commit illegal acts, which may have bearing on the Debtor's bankruptcy petition.

Mr. Bird states the following under penalty of perjury.

1. Since 2011 Corizon was contracted by the Wyoming Department of Corrections (WDOC) to provide healthcare services for its prisoners.
2. Said healthcare services included treatment of WDOC prisoners, including Mr. Bird, by doctors, dentists and nurses employed by Corizon and licensed by the State of Wyoming.
3. Regarding Corizon, Mr. Bird has reviewed documents filed with the Wyoming Secretary of State (WSOS) indicating that an individual named J. Scott King was Secretary for Corizon when a "certificate of evidence" was filed with the WSOS with

¹ The last four digits of the Debtor's federal tax identification number is 8853. The Debtor's service address is: 205 Powell Place, Suite 104, Brentwood, Tennessee 37027.



respect to a name change from Prison Health Services, Inc. to Corizon Health, Inc. See Wyo. Stat. Ann. § 17-16-1511—requiring that a foreign corporation authorized to transact business in Wyoming file a certificate within thirty days of the effective date of “a statutory merger permitted by the laws of the state or country of incorporation.”²

4. On September 21, 2021 WDOC Director Daniel Shannon (Director Shannon) and James Hyman, then CEO for Corizon, executed a contract (2021 Medical Contract) for the provision of healthcare services for WDOC prisoners by Corizon at the rate of \$1,476,362.85 per month, such being subject to certain adjustments.³

5. In fact, the 2021 Medical Contract required Corizon to keep informed of and comply with applicable laws, rules, regulations and orders and decrees of bodies or tribunals having jurisdiction in the performance of said contract.

6. Documents on file with the WSOS clearly evince that Corizon was registered as a foreign corporation at all times it provided healthcare services for prisoners in the custody of the WDOC, including Mr. Bird.

7. However, under Wyoming law **only** a domestic business entity may provide licensed professional services in Wyoming. See Wyo. Stat. Ann. §§ 17-3-101 through 17-3-104 and 17-29-104(e); *Wyo. State Bd. of Exmrs. of Optometry v. Pearle Vision Ctr., Inc.*, 767 P.2d 969 (Wyo. 1989); *Honorable Thyra Thomas*, 1980 Wyo. Op. Atty Gen. 287, 1979 Wyo. AG LEXIS 20, (July 5, 1979).

8. In this regard, Corizon underwent a divisional merger in May 2022, which it survived while creating CHS, a new corporation. *Kelly v. Corizon Health, Inc.*, 2022 U.S. Dist. LEXIS 198725, *3 (E.D. Mich., Nov. 1, 2022); *Doc. 1301 at 1*.

² Business related documents on file with the WSOS are reviewable via the internet.

³ WDOC contracts are public records and reviewable via the internet.

9. As well, after the divisional merger, YesCare, a corporation owned by CHS's CEO, Sara Tirschwell (CEO Tirschwell), acquired CHS, and CHS began informally doing business under YesCare's name while Corizon later changed its name to Tehum.

Id. at **3-4

10. Thus, given that it was not until October 2, 2022 that Director Shannon and CEO Tirschwell executed an amendment to the 2021 Medical Contract, so as to change the contractor's legal name to "CHS TX, Inc. d/b/a Yescare," Mr. Bird has ample cause to believe that Corizon/Tehum continued to receive payment from the WDOC under the terms of the 2021 Medical Contract.

11. However, a public records request by Mr. Bird to the WSOS failed to yield any document being filed by Corizon regarding its June 1, 2022 name change or the May 2022 "statutory merger" for that matter. See Wyo. Stat. Ann. § 17-16-1504 and § 17-16-1511.

12. In this regard, in an e-mail dated June 3, 2022, Stacie Koch, Vice President of Operations for YesCare Corp., while specifically noting that Corizon had changed its name to YesCare, advised both Kayla Opdahl and Beth Matthews of the WDOC, that "YesCare acquired all the active business of Corizon," the WDOC "contract with Corizon was now vested with CHS TX, LLC, a wholly owned subsidiary of YesCare," and "CHS is the successor contracting entity because of the merger transaction."

13. Moreover, since "CHS TX, LLC" does not actually exist (*Doc. 1539 at 10*), Mr. Bird believes that Director Shannon was either grossly and decisively negligent or recklessly indifferent when it came to the 2021 Medical Contract.

14. Accordingly, the deliberate act of Corizon/Tehum corporate officers, in failing to

comply with Wyo. Stat. Ann. § 17-16-1511, as above described, clearly indicates a violation of federal mail or wire fraud statutes because CHS was not lawfully permitted to transact business in Wyoming and therefore fraudulently obtained payments from the WDOC under the 2021 Medical Contract.

15. Additional illegal activity by certain corporate officers of Corizon, Tehum, CHS and YesCare is demonstrated by the fact that none of these business entities were lawfully authorized under Wyoming law to deliver professionally licensed medical care to WDOC prisoners.

16. In this regard, a recent public records request by Mr. Bird to the WSOS yielded a document filed by NaphCare, Inc. with the WSOS on November 7, 2023 in order to establish “NaphCare Wyoming, LLC.” NaphCare has been selected by the WDOC to replace CHS beginning July 1, 2024.

17. Accordingly, NaphCare obviously interpreted Wyoming law to require that it establish a domestic business entity in order to lawfully provide professionally licensed medical services for WDOC prisoners.

18. Thus, the deliberate act of certain corporate officers of Corizon, Tehum, CHS and YesCare, in refusing to establish a domestic business entity in order to provide professionally licensed medical services for WDOC prisoners, also clearly indicates a violation of federal mail or wire fraud statutes because none of these foreign corporations was lawfully permitted to provide professionally licensed medical services for WDOC prisoners and therefore fraudulently obtained payments from the WDOC.

19. In this regard, documents on file with this Court evince that Corizon organized limited liability companies in several states—clearly demonstrating that Corizon

corporate officers were acutely aware of the law as it pertains to the provision of professionally licensed services by a business entity. *ECF 811 at p. 37.*

20. Likewise, it appears that Corizon, Tehum, CHS and YesCare have violated the corporate practice of medicine doctrine and have otherwise committed a criminal act each and every time their professionally licensed employees provided healthcare services to WDOC prisoners.

21. In this regard, “[t]he rule is generally recognized that a licensed practitioner of a profession may not lawfully practice his profession among the public as the servant of an unlicensed person or a corporation; and that, if he does so, the unlicensed person or corporation employing him is guilty of practising that profession without a license.” *Encompass Ins. Co.*, 2008 U.S. Dist. LEXIS 137632, *12 (D. Mass. 2008). Also see, *Clinical Colleagues, Inc. v. Hutchinson Reg’l Med. Ctr., Inc.*, 2021 U.S. Dist. LEXIS 182870, *10 (D. Kan., Sept. 24, 2021) (discussing Kansas law, which aligns with Wyoming law—see Wyo. Stat. Ann. §§ 17-3-101 through 17-3-104 and 17-29-104(e); cf. Wyo. Stat. Ann. § 33-26-301); *Pearle*, 767 P.2d at 978-79 (corporation cannot exercise any control over a licensed medical professional in the practice of his/her profession).

22. Given that business licensure documents are so incredibly easy to review and that Wyoming law proscribing the corporate practice of medicine was explicitly clear, it is without doubt that Director Shannon was complicit in the unlawful activities of the corporate officers of Corizon, Tehum, CHS and YesCare in the delivery of healthcare services to WDOC prisoners, including Mr. Bird.

23. In this regard, it is quite simply implausible that Director Shannon could be

ignorant of the unlawful activities of the corporate officers of Corizon, Tehum, CHS and YesCare in the delivery of healthcare services to WDOC prisoners, including Mr. Bird.

Dated this 9th day of June, 2024.

Isl Chester L. Bird

Creditor, pro se

Chester L. Bird

cp wmcx

7076 Road 55F

Torrington, WY 82240

CERTIFICATE OF SERVICE

I, Chester L. Bird, hereby certify that the foregoing document was filed with the United States Bankruptcy Court, Southern District of Texas, and served upon all parties entitled to receive notice of filings in the above-captioned proceeding via the Bankruptcy Court's Electronic Case Filing (ECF) system.

Isl Chester L. Bird

Chester L. Bird

Chester L. Bird, #18008
Wyoming Medium Correctional Institution
7076 Road 55F
Torrington, Wyoming 82240

June 8, 2024

Clerk of Court
US Bankruptcy Court
515 Rusk Avenue
Houston, TX 77002

RE: enclosed


Greetings:

Please find enclosed an original CHESTER L. BIRD'S SUGGESTION OF ILLEGAL ACTIVITIES BY THE CORPORATE OFFICERS OF CORIZON HEALTH, INC. N/K/A TEHUM CARE SERVICES, INC., CHS TX, INC. AND YESCARE CORP.

Please be kind enough to file this document.

Thank you for your time and consideration.

Sincerely,


Chester L. Bird