

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. **11-20100 CR-SEITZ**

- 18 U.S.C. § 1349
- 18 U.S.C. § 1347
- 18 U.S.C. § 371
- 18 U.S.C. § 1956(h)
- 18 U.S.C. § 1957
- 18 U.S.C. § 1956(a)
- 31 U.S.C. § 5324(a), (d)
- 18 U.S.C. § 2
- 18 U.S.C. § 982

MAGISTRATE JUDGE
O'SULLIVAN

UNITED STATES OF AMERICA

vs.

MARK WILLNER, MD,
 ALAN GUMER, MD,
 ALBERTO AYALA, MD,
 VANJA ABREU, Ph.D,
 NANCY MERCED-SOLA,
 LYDIA WARD, Ph.D,
 NICHOLE ECKERT,
 SANDRA JIMENEZ
 a/k/a Sabrina Jimenez,
 HILARIO MORRIS
 a/k/a Larry Morris,
 JOSEPH VALDES
 a/k/a Joseph Valdez,
 ADRIANA MEJIA,
 [REDACTED]
 PEDRO SOSA,
 YOISEL CANCIO,
 MATHIS MOORE,
 NELSON FERNANDEZ,
 LEYANES PLACERES,
 JAMES EDWARDS,
 FRANK CRIADO,
 and
 CURTIS GATES,

FILED by *[Signature]* D.C.
 FEB -8 2011
 STEVEN M. LARIMORE
 CLERK U.S. DIST. CT.
 S. D. of FLA. - MIAMI

Defendants.

INDICTMENT

The Grand Jury charges that:

GENERAL ALLEGATIONS

At all times relevant to this Indictment,

1. The Medicare Program ("Medicare") is a federal health care program providing benefits to persons who were over the age of sixty-five or disabled. Medicare is administered by the Centers for Medicare and Medicaid Services ("CMS"), a federal agency under the United States Department of Health and Human Services. Individuals who receive benefits under Medicare are referred to as Medicare "beneficiaries." Medicare is a "health care benefit program," as defined by Title 18, United States Code, Section 24(b).

2. Part B of the Medicare program covers partial hospitalization programs ("PHPs") connected with the treatment of mental illness. The treatment program of PHPs closely resembles that of a highly structured, short-term hospital inpatient program, but it is a distinct and organized intensive treatment program that offers less than 24-hour daily care and is designed, in part, to reduce medical costs by treating qualifying individuals outside the hospital setting.

3. Under the PHP benefit, Medicare covers the following services: (1) individual and group therapy with physicians or psychologists (or other authorized mental health professionals); (2) occupational therapy; (3) services of social workers, trained psychiatric nurses, and other staff trained to work with psychiatric patients; (4) drugs and biologicals furnished for therapeutic purposes that cannot be self-administered; (5) individualized activity therapies that are not primarily recreational or diversionary; (6) family counseling (for treatment of the patient's condition); (7) patient training and education; and (8) diagnostic services.

4. Medicare generally requires that the PHP be provided at a facility that is hospital-based or hospital-affiliated, but Medicare also allows a PHP to be provided in a Community Mental Health Center ("CMHC"), which is a provider type under Part A of Medicare.

5. Medicare requires that, to qualify for the PHP benefit, the services must be reasonable and necessary for the diagnosis and active treatment of the individual's condition. The program also must be reasonably expected to improve or maintain the condition and functional level of the patient and to prevent relapse or hospitalization. The program must be prescribed by a physician and furnished under the general supervision of a physician and under an established plan of treatment that meets Medicare requirements.

6. Typically, a patient who needs this intensive PHP treatment has a long history of mental illness that has been treated. Patients are ordinarily referred either (a) by a hospital after full inpatient hospitalization for severe mental illness or (b) by a doctor who is trying to prevent full inpatient hospitalization for a severely mentally ill patient the doctor has been treating.

7. Medicare guidelines specifically exclude meals and transportation from coverage under the PHP benefit.

8. Medicare does not cover programs involving primarily social, recreational, or diversionary activities.

9. In order to receive payment from Medicare, a CMHC, medical clinic or physician is required to submit a health insurance claim form to Medicare, called a Form 1450. The claims may be submitted in hard copy or electronically. A CMHC, medical clinic, and physician may contract with a billing company to transmit claims to Medicare on their behalf.

10. Part B of the Medicare program also covers diagnostic sleep studies conducted at sleep disorder clinics. Medicare covers all reasonable and necessary diagnostic tests given for

certain medical conditions when the clinic is affiliated with a hospital or is under direction and control of physicians; when patients are referred to the sleep disorder clinic by their attending physicians and the clinic maintains a record of the attending physician's orders; and the need for diagnostic testing is confirmed by medical evidence such as physician examinations and laboratory tests. In particular, Medicare pays for sleep studies if the patient has symptoms or complaints of one of the following conditions, and only under certain limited circumstances: narcolepsy, sleep apnea, impotence, and parasomnia. Chronic insomnia is not covered.

11. In order to receive payment from Medicare, a sleep disorder clinic is required to submit a health insurance claim form to Medicare, called a Form 1500. The claims may be submitted in hard copy or electronically. A sleep disorder clinic may contract with a billing company to transmit claims to Medicare on their behalf.

12. Medicare Part B is administered in Florida by First Coast Service Options ("FCSO"), which, pursuant to contract with the United States Department of Health and Human Services, serves as a contracted carrier to receive, adjudicate and pay Medicare Part B claims submitted to it by Medicare beneficiaries, physicians, or CMHCs. Medicare Part B pays CMHCs and physicians directly for the cost of PHP services furnished to eligible Medicare beneficiaries, provided that the services meet Medicare requirements.

Defendants, Relevant Entities, and Relevant Persons

13. American Therapeutic Corporation ("ATC") was a Florida corporation originally established in 2002 and was headquartered in Miami, Florida. ATC operated several purported PHPs throughout Florida from Homestead to Orlando, including PHPs at the following addresses: 1801 NE 2nd Avenue, Miami, Florida 33132; 61 Grand Canal Drive, Suite #100, Miami, Florida 33144; 1001 West Commercial Blvd., Fort Lauderdale, Florida 33309; 4960

North Dixie Highway, Fort Lauderdale, Florida 33334; 27112 South Dixie Highway, Naranja, Florida 33032; 717 East Palmetto Park Road, Boca Raton, Florida 33432; and 4790 North Orange Blossom Trail, Orlando, Florida 32810.

14. Medlink Professional Management Group, Inc. ("Medlink") was a Florida corporation established in 2003 and was headquartered at 484 Brickell Avenue, Suite 1220, Miami, Florida 33132 and later at 1809 NE 2nd Avenue, Miami, Florida 33132. Medlink was used to charge monthly fees to ATC for managing ATC's operations, including hiring employees, running daily operations, and controlling finances and other site management activities.

15. The American Sleep Institute ("ASI") was a Florida corporation established in 2005 and was headquartered in Miami, Florida at the offices of Medlink. ASI was later headquartered in Hialeah, Florida. ASI purportedly provided sleep study services.

16. Defendants **MARK WILLNER, MD**, a resident of Miami-Dade County, **ALAN GUMER, MD**, a resident of Broward County, and **ALBERTO AYALA, MD**, a resident of Miami-Dade County, were physicians licensed in the State of Florida and were medical directors at ATC and referring physicians to ASI.

17. Defendants **VANJA ABREU, Ph.D**, a resident of Broward County, **NANCY MERCED-SOLA**, a resident of Orange County, and **LYDIA WARD, Ph.D**, a resident of Miami-Dade County, were "program directors" at ATC.

18. Defendant **NICHOLE ECKERT**, a resident of Miami-Dade County, was a therapist at ATC.

19. Defendants **SANDRA JIMENEZ**, a/k/a Sabrina Jimenez, and **HILARIO MORRIS**, a/k/a Larry Morris, residents of Miami-Dade County, and **JOSEPH VALDES**, a/k/a

Joseph Valdez, a resident of Broward County, were "marketers" for ATC who would pay and cause the payment of kickbacks in exchange for Medicare beneficiaries to attend ATC and ASI.

20. Defendant **ADRIANA MEJIA**, a resident of Miami-Dade County, cashed checks for **MEDLINK** and was the owner of multiple companies used to conceal the illicit conversion of checks into cash. Those companies included Andorra Printer Designs, Computer Resources Management Review Company, Pulp & Paper Company, Stamina Company, and **FREE OF DIRT.COM**.

21. Defendant [REDACTED] a resident of Miami-Dade County, cashed checks for **MEDLINK** and was a co-owner of [REDACTED] used by himself and others to conceal the illicit conversion of checks into cash.

22. Defendants **PEDRO SOSA**, a resident of Miami-Dade County, and **YOISEL CANCIO**, a resident of Miami-Dade County, cashed checks for **MEDLINK** and used companies such as [REDACTED] to conceal the illicit conversion of checks into cash.

23. Defendants **MATHIS MOORE**, **NELSON FERNANDEZ**, and **LEYANES PLACERES**, residents of Miami-Dade County, **JAMES EDWARDS**, a resident of Broward County, **FRANK CRIADO**, a resident of Miami-Dade County, and **CURTIS GATES**, a resident of Broward County, were patient brokers who worked with ATC, ASI, and Medlink to funnel ineligible patients into their PHP programs and sleep studies in exchange for kickbacks.

24. Lawrence S. Duran, a resident of Miami-Dade County, was the manager and owner of ATC and Medlink. Duran was also the registered agent for ASI.

25. Marianella Valera, a resident of Miami-Dade County, was the owner, CEO, president, secretary and treasurer of ATC. Valera was also the vice president of ASI.

26. Judith Negron, a resident of Miami-Dade County, was the vice president and part

owner of Medlink and owner and president of ASI.

27. Margarita Acevedo, a/k/a Margarita De La Cruz, a resident of Miami-Dade County, was the Marketing Director of ATC. Acevedo supervised ATC's marketers but worked for Medlink.

COUNT 1
Conspiracy to Commit Health Care Fraud
(18 U.S.C. § 1349)

1. Paragraphs 1 through 19 and 23 through 27 of the General Allegations section of this Indictment are realleged and incorporated by reference as though fully set forth herein.

2. From on or about December 13, 2002, through on or about October 21, 2010, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

MARK WILLNER, MD,
ALAN GUMER, MD,
ALBERTO AYALA, MD,
VANJA ABREU, Ph.D,
NANCY MERCED-SOLA,
LYDIA WARD, Ph.D,
NICHOLE ECKERT,
SANDRA JIMENEZ
a/k/a Sabrina Jimenez,
HILARIO MORRIS
a/k/a Larry Morris,
JOSEPH VALDES
a/k/a Joseph Valdez,
MATHIS MOORE,
NELSON FERNANDEZ,
LEYANES PLACERES,
JAMES EDWARDS,
FRANK CRIADO,
and
CURTIS GATES,

did knowingly and willfully combine, conspire, confederate and agree with each other and with others, known and unknown to the Grand Jury, including Lawrence S. Duran, Marianella Valera, Judith Negron, and Margarita Acevedo, to violate Title 18, United States Code, Section 1347,

that is, to execute a scheme and artifice to defraud a health care benefit program affecting commerce, as defined in Title 18, United States Code, Section 24(b), that is, Medicare, and to obtain, by means of materially false and fraudulent pretenses, representations, and promises, money and property owned by, and under the custody and control of, said health care benefit program, in connection with the delivery of and payment for health care benefits, items, and services.

PURPOSE OF THE CONSPIRACY

3. It was a purpose and object of the conspiracy for **MARK WILLNER, MD, ALAN GUMER, MD, ALBERTO AYALA, MD, VANJA ABREU, Ph.D, NANCY MERCED-SOLA, LYDIA WARD, Ph.D, NICHOLE ECKERT, SANDRA JIMENEZ, HILARIO MORRIS, JOSEPH VALDES, MATHIS MOORE, NELSON FERNANDEZ, LEYANES PLACERES, JAMES EDWARDS, FRANK CRIADO, CURTIS GATES,** and their co-conspirators, including Duran, Valera, Negron and Acevedo, to unlawfully enrich themselves by, among other things: (a) submitting false and fraudulent claims to Medicare through ATC and ASI for services that were medically unnecessary, that were not eligible for Medicare reimbursement, and that were never provided; (b) offering and paying kickbacks and bribes (1) to patient brokers who provided and had access to Medicare beneficiaries to attend ATC's CMHCs who were not eligible to receive PHP services under Medicare guidelines, for whom PHP services were not medically necessary to treat their medical conditions, and to whom the PHP services were not provided, and (2) to these ineligible Medicare beneficiaries to attend ATC's CMHC and ASI's sleep studies when reimbursable PHP treatment and sleep studies were not medically necessary and not provided; (c) receiving kickbacks and bribes to ensure the attendance of these ineligible Medicare beneficiaries at ATC's CMHCs and ASI; (d) concealing

the submission of false and fraudulent claims to Medicare, the receipt and transfer of the proceeds from the fraud, and the payment of kickbacks and bribes to patient recruiters and Medicare beneficiaries; and (e) diverting proceeds of the fraud for the personal use and benefit of the defendants and their co-conspirators in the form of compensation and other remuneration.

MANNER AND MEANS

The manner and means by which the defendants and their co-conspirators sought to accomplish the object and purpose of the conspiracy included, among others, the following:

4. Duran and Valera would form ATC as a company registered in the State of Florida, concealing Duran's ownership interest.

5. Duran and Negrón would open and register Medlink in the State of Florida as a vehicle through which to benefit ATC by charging monthly management fees for activities such as hiring employees, running daily operations, and controlling finances, and concealing the payment of kickbacks and bribes, when in truth there was no distinction between the leadership and management of ATC and Medlink.

6. Valera would maintain a Medicare provider number for five of ATC's locations in order to submit Medicare claims for PHP services at all of ATC's locations.

7. Duran, Valera, and Negrón would form ASI as a company registered in the State of Florida and agree with their co-conspirators to refer patients from ATC to ASI as an additional illicit source of Medicare billing.

8. **SANDRA JIMENEZ, HILARIO MORRIS, JOSEPH VALDES**, Duran, Valera, Negrón, and Acevedo would pay and cause the payment of kickbacks to owners and operators of Assisted Living Facilities ("ALFs") and Halfway Houses in exchange for the ALFs and Halfway Houses delivering ineligible patients housed at their facilities to ATC and to ASI.

In some instances, ALF and Halfway House owners and operators would then use a portion of the kickbacks they received from ATC to pay kickbacks to the patients being sent to ATC and ASI.

9. **SANDRA JIMENEZ, HILARIO MORRIS, JOSEPH VALDES,** Duran, Valera, Negron, and Acevedo would also cause the payment of kickbacks to patient brokers in exchange for those patient brokers, including **MATHIS MOORE, NELSON FERNANDEZ, LEYANES PLACERES, JAMES EDWARDS, FRANK CRIADO, CURTIS GATES,** and others, providing Medicare beneficiaries to attend ATC and ASI. In some instances, the patient brokers would then use a portion of the kickbacks they received to pay kickbacks to the ineligible patients being sent to ATC and ASI.

10. **VANJA ABREU, Ph.D, NANCY MERCED-SOLA, LYDIA WARD, Ph.D,** and **NICHOLE ECKERT** would cause the alteration of patient files, as well as therapist notes maintained in ATC's computer system, for the purpose of making it falsely appear that patients being treated by ATC qualified for PHP treatments.

11. **MARK WILLNER, MD, ALAN GUMER, MD,** and **ALBERTO AYALA, MD,** would alter diagnoses and medication types and levels to make it falsely appear that the patients who were purportedly treated at ATC qualified for PHP services.

12. Valera, **MARK WILLNER, MD, ALAN GUMER, MD,** and **ALBERTO AYALA, MD** would cause the length of patient stays at ATC to be based on the maximum number of days Medicare would pay for PHP services rather than on actual patient medical needs.

13. **MARK WILLNER, MD, ALAN GUMER, MD,** and **ALBERTO AYALA, MD,** would act as attending physicians for ATC's patients and would sign charts, authorizing

unnecessary treatment, or continued treatment, for patients who were not eligible for PHP treatment, without examining the patients or the charts.

14. MARK WILLNER, MD, ALAN GUMER, MD, and ALBERTO AYALA, MD would authorize ATC to bill Medicare using their Medicare identifiers as attending physicians to legitimize fraudulent claims.

15. MARK WILLNER, MD, ALAN GUMER, MD, and ALBERTO AYALA, MD would refer ATC patients to ASI for sleep studies that were not medically necessary.

16. Duran, Valera, and Negron would maintain multiple corporate bank accounts for ATC and Medlink, at various financial institutions in the State of Florida.

17. MARK WILLNER, MD, ALAN GUMER, MD, ALBERTO AYALA, MD, VANJA ABREU, Ph.D, NANCY MERCED-SOLA, LYDIA WARD, Ph.D, NICHOLE ECKERT, SANDRA JIMENEZ, HILARIO MORRIS, JOSEPH VALDES, MATHIS MOORE, NELSON FERNANDEZ, LEYANES PLACERES, JAMES EDWARDS, FRANK CRIADO, CURTIS GATES, Duran, Valera, Negron, and Acevedo, would cause the transfer and disbursement of illicit proceeds derived from the fraudulent billing scheme into and out of ATC's, ASI's, and Medlink's various corporate bank accounts to themselves and others.

18. MARK WILLNER, MD, ALAN GUMER, MD, ALBERTO AYALA, MD, VANJA ABREU, Ph.D, NANCY MERCED-SOLA, LYDIA WARD, Ph.D, NICHOLE ECKERT, SANDRA JIMENEZ, HILARIO MORRIS, JOSEPH VALDES, MATHIS MOORE, NELSON FERNANDEZ, LEYANES PLACERES, JAMES EDWARDS, FRANK CRIADO, CURTIS GATES, Duran, Valera, Negron, and Acevedo, would cause claims to be submitted to Medicare for services purportedly provided at ATC's and ASI's locations in an amount exceeding \$200 million.

In violation of Title 18, United States Code, Section 1349.

COUNTS 2-12
Health Care Fraud
(18 U.S.C. §§ 1347 and 2)

1. Paragraphs 1 through 16, 18, and 24 through 27 of the General Allegations section of this Indictment are realleged and incorporated by reference as if fully set forth herein.

2. On or about the dates set forth below, the exact dates being unknown to the Grand Jury, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants listed below, each aided and abetted by each other, and by others known and unknown to the Grand Jury, in connection with the delivery of and payment for health care benefits, items, and services, did knowingly and willfully execute, and attempt to execute, a scheme and artifice to defraud a health care benefit program affecting commerce, as defined in Title 18, United States Code, Section 24(b), that is, Medicare, and obtain, by means of materially false and fraudulent pretenses, representations, and promises, money and property owned by, and under the custody and control of, Medicare, in connection with the delivery of and payment for health care benefits, items, and services, as listed below:

Count	Defendant(s)	Beneficiary Name	Services Billed	Approx. Claim Receipt Date	Amt. Billed	Claim Number
2	ALBERTO AYALA, MD	T.Bu.	Group Psychotherapy	5/11/07	\$1500	20713100864905
3	ALAN GUMER, MD	T.Be.	Group Psychotherapy	5/11/07	\$2250	20713100871505
4	ALBERTO AYALA, MD	T.Bu.	Polysomnography	5/16/07	\$1200	590207136736690

Count	Defendant(s)	Beneficiary Name	Services Billed	Approx. Claim Receipt Date	Amt. Billed	Claim Number
5	ALAN GUMER, MD	L.B.	Group Psychotherapy, Training & Education Services	8/29/08	\$2875	20824200775005
6	ALAN GUMER, MD, NICHOLE ECKERT	R.D.	Group Psychotherapy	10/11/08	\$1375	20828500884205
7	MARK WILLNER, MD	R.M.	Group Psychotherapy, Training & Education Services	1/5/09	\$1200	20905100868905
8	ALAN GUMER, MD, NICHOLE ECKERT	R.D.	Group Psychotherapy, Training & Education Services	1/9/09	\$1500	20900900868705
9	MARK WILLNER, MD	R.M.	Group Psychotherapy, Training & Education Services	5/22/09	\$2000	20914200722005FLA
10	MARK WILLNER, MD	K.K.	Group Psychotherapy, Training & Education Services	7/24/09	\$2000	20920500613005FLA
11	MARK WILLNER, MD	E.L.	Group Psychotherapy, Training & Education Services	10/16/09	\$1600	20928900636005FLA

Count	Defendant(s)	Beneficiary Name	Services Billed	Approx. Claim Receipt Date	Amt. Billed	Claim Number
12	MARK WILLNER, MD	E.L.	Group Psychotherapy, Training & Education Services	2/12/10	\$1200	21004300441205FLA

In violation of Title 18, United States Code, Sections 1347 and 2.

COUNT 13

**Conspiracy to Defraud the United States and to Receive and Pay Health Care Kickbacks
(18 U.S.C. § 371)**

1. Paragraphs 1 through 15, 19, and 23 through 27 of the General Allegations section of this Indictment are realleged and incorporated by reference as though fully set forth herein.

2. From on or about December 13, 2002, and continuing through on or about October 21, 2010, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

**SANDRA JIMENEZ
a/k/a Sabrina Jimenez,
HILARIO MORRIS
a/k/a Larry Morris,
JOSEPH VALDES
a/k/a Joseph Valdez,
MATHIS MOORE,
NELSON FERNANDEZ,
LEYANES PLACERES,
JAMES EDWARDS,
FRANK CRIADO,
and
CURTIS GATES,**

did willfully, that is, with the intent to further the objects of the conspiracy, and knowingly combine, conspire, confederate and agree with each other and with others, including Duran,

Valera, Negron, and Acevedo, known and unknown to the Grand Jury, to commit certain offenses against the United States, that is,

- a. To defraud the United States by impairing, impeding, obstructing, and defeating through deceitful and dishonest means, the lawful government functions of the United States Department of Health and Human Services in its administration and oversight of the Medicare program;
- b. To violate Title 42, United States Code, Section 1320a-7b(b)(1), by knowingly and willfully soliciting and receiving remuneration, specifically, kickbacks and bribes, directly and indirectly, overtly and covertly, in return for referring individuals for the furnishing and arranging for the furnishing of any item and service for which payment may be made in whole or in part by a federal health care program, that is, Medicare; and in return for the purchasing, leasing, ordering, and arranging for and recommending the purchasing, leasing, and ordering of any good, item, and service for which payment may be made in whole and in part by a Federal health care program, that is, Medicare; and
- c. To violate Title 42, United States Code, Section 1320a-7b(b)(2), by knowingly and willfully offering and paying remuneration, including, kickbacks and bribes, directly and indirectly, overtly and covertly, in return for referring individuals for the furnishing and arranging for the furnishing of any item and service for which payment may be made in whole or in part by a federal health care program, that is, Medicare; and in return for the purchasing, leasing, ordering, and arranging for and recommending the purchasing, leasing, and ordering of any good, item, and service for which payment may be made in whole and in part by a Federal health care program, that is, Medicare.

PURPOSE OF THE CONSPIRACY

3. It was a purpose of the conspiracy for the defendants and their co-conspirators to unlawfully enrich themselves by receiving and paying kickbacks and bribes in exchange for (a) securing the attendance of ineligible Medicare beneficiaries at ATC and ASI and (b) providing beneficiary information that was used to submit claims to Medicare.

MANNER AND MEANS OF THE CONSPIRACY

The manner and means by which the defendants and their co-conspirators sought to accomplish the objects and purpose of the conspiracy included, among others, the following:

4. **SANDRA JIMENEZ, HILARIO MORRIS, JOSEPH VALDES, Duran, Valera, Negron, and Acevedo** would pay and cause the payment of kickbacks to owners and operators of ALFs and Halfway Houses in exchange for the ALFs and Halfway Houses delivering patients housed at their facilities to ATC. In some instances, ALF and Halfway House owners and operators would then use a portion of the kickbacks they received from ATC to pay kickbacks to the patients being sent to ATC.

5. Duran, Valera, Negron, and Acevedo would also recruit and cause the recruitment of patient brokers, including **MATHIS MOORE, NELSON FERNADEZ, LEYANES PLACERES, JAMES EDWARDS, FRANK CRIADO, and CURTIS GATES**, to provide ineligible Medicare beneficiaries to participate in the ATC programs in exchange for kickback payments.

6. **MATHIS MOORE, NELSON FERNADEZ, LEYANES PLACERES, JAMES EDWARDS, FRANK CRIADO, and CURTIS GATES** were patient brokers who would provide patients from ALFs and Halfway Houses they owned or with which they had relationships on a regular basis to ATC and ASI in exchange for bi-monthly kickback payments

from Medlink.

7. **SANDRA JIMENEZ, HILARIO MORRIS, JOSEPH VALDES,** Duran, Valera, Negron, and Acevedo would pay and cause payment of millions of dollars in kickbacks to patient brokers and the owners and operators of ALFs and Halfway Houses in exchange for the patient brokers and ALF and Halfway House owners and operators providing Medicare beneficiaries to attend programs at ATC for which ATC then filed claims with Medicare.

OVERT ACTS

In furtherance of the conspiracy, and to accomplish its objects and purpose, at least one of the conspirators committed and caused to be committed in the Southern District of Florida at least one of the following overt acts, among others:

8. On or about January 3, 2003, Duran and Valera obtained joint signature authority for a corporate bank account of ATC, Wachovia Bank account number ending in 2210.

9. On or about December 17, 2003 Duran and Negron obtained joint signature authority for a corporate bank account of Medlink, Wachovia Bank account number ending in 0305.

10. On or about April 6, 2009, **NELSON FERNANDEZ** negotiated a kickback check numbered 32482 in the approximate amount of \$14,145 written from the ATC Wachovia Bank account ending 2210 to a company controlled by **FERNANDEZ**.

11. On or about April 7, 2009, **LEYANES PLACERES** negotiated three kickback checks numbered 32406 in the approximate amount of \$5355, 32412 in the approximate amount of \$3,900, and 32490 in the approximate amount of \$40,000, written to a company controlled by **PLACERES**, and check numbered 32491 written to her in the approximate amount of \$20,000, from the ATC Wachovia Bank account ending 2210.

12. On or about January 8, 2010, **JAMES EDWARDS** negotiated two kickback checks, numbered 8055 in the approximate amount of \$6150 and 8057 in the approximate amount of \$1,500, written to him from the Medlink Wachovia Bank account ending 0305.

13. On or about February 19, 2010, **MATHIS MOORE** negotiated two kickback checks, numbered 8174 in the approximate amount of \$5,750 and 8242 in the approximate amount of \$5,750, written from the Medlink Wachovia Bank account ending 0305 to a company controlled by **MOORE**.

14. On or about February 19, 2010, **CURTIS GATES** negotiated a kickback check numbered 8173 in the approximate amount of \$1000 written from the Medlink Wachovia Bank account ending 0305 to him.

15. On or about May 17, 2010, **FRANK CRIADO** negotiated a kickback check numbered 38178 in the approximate amount of \$5,000 written to him from the ATC Wachovia Bank account ending 2210.

In violation of Title 18, United States Code, Section 371.

COUNT 14
Conspiracy to Commit Money Laundering
(18 U.S.C. § 1956(h))

1. Paragraphs 1 through 15 and 20 through 27 of the General Allegations section of this Indictment are realleged and incorporated by reference as though fully set forth herein.

2. From on or about December 13, 2002, and continuing through on or about October 21, 2010, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

ADRIANA MEJIA,
PEDRO SOSA,
YOISEL CANCIO,

**MATHIS MOORE,
NELSON FERNANDEZ,
LEYANES PLACERES,
JAMES EDWARDS,
FRANK CRIADO,
and
CURTIS GATES,**

did willfully, that is, with the intent to further the objects of the conspiracy, and knowingly combine, conspire, and agree with each other and with other persons, known and unknown to the Grand Jury, including Duran, Valera, Negron, and Acevedo, to commit offenses against the United States in violation of Title 18, United States Code, Sections 1956 and Section 1957, to wit:

- a. to knowingly conduct a financial transaction affecting interstate and foreign commerce, which financial transaction involved the proceeds of specified unlawful activity, knowing that the property involved in the financial transaction represented the proceeds of some form of unlawful activity, and knowing that the transaction was designed in whole and in part to conceal and disguise the nature, the location, the source, the ownership, and the control of the proceeds of specified unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i);
- b. to knowingly conduct a financial transaction affecting interstate and foreign commerce, which financial transaction involved the proceeds of specified unlawful activity, knowing that the property involved in the financial transaction represented the proceeds of some form of unlawful activity, and with the intent to promote the carrying on of the specified unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i); and,

- c. to knowingly engage in a monetary transaction by, through, and to a financial institution, affecting interstate and foreign commerce, in criminally derived property of a value greater than \$10,000, such property having been derived from specified unlawful activity, in violation of Title 18, United States Code, Section 1957.

It is further alleged that the specified unlawful activity is health care fraud, in violation of Title 18, United States Code, Section 1347, and conspiracy to defraud the United States and to receive and pay health care kickbacks, in violation of Title 18, United States Code, Section 371.

In violation of Title 18, United States Code, Section 1956(h).

PURPOSE OF THE CONSPIRACY

3. It was a purpose of the conspiracy for the defendants and their co-conspirators to engage in money laundering for the purpose of (1) unlawfully enriching themselves and their co-conspirators; (2) providing cash to Duran and other co-conspirators in order to pay kickbacks in exchange for providing Medicare beneficiaries to ATC so that ATC could bill Medicare for services that were medically unnecessary and not provided; and (3) concealing and disguising the nature, location, source, ownership, and control of the proceeds of their health care fraud and kickback offenses.

MANNER AND MEANS

The manner and means by which the defendants and their co-conspirators sought to accomplish the object and purpose of the conspiracy included, among others, the following:

4. Duran and Valera would cause ATC to make regular payments to Medlink out of ATC accounts that received Medicare payments.
5. **ADRIANA MEJIA** and other co-conspirators would register phony corporations

with the State of Florida and open bank accounts in the names of those corporations.

6. ADRIANA MEJIA, [REDACTED] PEDRO SOSA, YOISEL CANCIO, and their co-conspirators, would receive wire transfers and checks from Medlink and ATC to themselves and to companies owned by them, for the purpose of cashing or depositing the checks and withdrawing the proceeds of the checks and wire transfers and returning the cash to Duran and Valera.

7. ADRIANA MEJIA, [REDACTED] PEDRO SOSA, YOISEL CANCIO, and their co-conspirators would receive monthly, bi-weekly, and weekly payments from Medlink despite the fact that they had no job functions at Medlink or ATC, other than laundering money.

8. ADRIANA MEJIA, [REDACTED] PEDRO SOSA, YOISEL CANCIO, and their co-conspirators would cash ATC and Medlink checks at different bank branches and different banks in order to avoid scrutiny, conceal the purposes of their activities, and evade reporting requirements.

9. ADRIANA MEJIA, PEDRO SOSA, YOISEL CANCIO, and their co-conspirators would cash multiple checks, each written for less than \$10,000, during the same span of days, repeatedly over the course of several years.

10. ADRIANA MEJIA, [REDACTED] PEDRO SOSA, YOISEL CANCIO, and their co-conspirators would launder millions of dollars for Duran, Valera, and Negron over the course of several years.

11. Once the cash was returned to Duran and Valera, they would dole portions of it out to their co-conspirators, to pay kickbacks to patient brokers and ALF and Halfway House owners and operators.

12. **MATHIS MOORE, NELSON FERNANDEZ, LEYANES PLACERES, JAMES EDWARDS, FRANK CRIADO, and CURTIS GATES,** would receive checks and cash from Duran, Valera, and Negron as compensation for providing Medicare beneficiaries to ATC and ASI who were ineligible for the treatment ATC and ASI purported to provide.

COUNTS 15 - 27
Money Laundering
(18 U.S.C. § 1957)

1. On or about the dates set forth below, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants listed below did knowingly engage and attempt to engage in monetary transactions affecting interstate commerce, by, through, and to a financial institution, in criminally derived property of a value greater than \$10,000, and such property having been derived from specified unlawful activity, as more specifically described below:

Count	Defendant	Monetary Transaction	Approx. Date
15	[REDACTED]	Negotiated Medlink check number 2805 in the approximate amount of \$30,000 using an account ending in 1998 held by [REDACTED]	4/13/06
16	[REDACTED]	Negotiated Medlink check number 2899 in the approximate amount of \$20,000 using an account ending in 1998 held by [REDACTED]	5/30/06
17	[REDACTED]	Negotiated Medlink check number 4359 in the approximate amount of \$15,000 using an account ending in 1998 held by [REDACTED]	5/14/07
18	[REDACTED]	Negotiated Medlink check number 4677 in the approximate amount of \$15,000 using an account ending in 1998 held by [REDACTED]	7/24/07
19	[REDACTED]	Negotiated Medlink check number 6894 in the approximate amount of \$57,333.33 endorsed over to [REDACTED] account ending in 7532	3/9/09

Count	Defendant	Monetary Transaction	Approx. Date
20	ADRIANA MEJIA	Received wire transfer from Medlink account in the approximate amount of \$106,000 to an account held by MEJIA	4/10/09
21	ADRIANA MEJIA	Received wire transfer from Medlink account in the approximate amount of \$18,100 to an account held by MEJIA	4/24/09
22	ADRIANA MEJIA	Received wire transfer from Medlink account in the approximate amount of \$21,200 to an account held by MEJIA	4/24/09
23	ADRIANA MEJIA	Received wire transfer from Medlink account in the approximate amount of \$21,400 to an account held by MEJIA	4/24/09
24	ADRIANA MEJIA	Received wire transfer from Medlink account in the approximate amount of \$21,700 to an account held by MEJIA	4/24/09
25	ADRIANA MEJIA	Received wire transfer from Medlink account in the approximate amount of \$23,600 to an account held by MEJIA	4/24/09
26	ADRIANA MEJIA	Negotiated Medlink check number 7610 in the approximate amount of \$14,268.97 using an account held by MEJIA	5/12/09
27	ADRIANA MEJIA	Negotiated Medlink check number 7609 in the approximate amount of \$13,058.95 using an account ending in 2016 held by MEJIA	5/15/09

It is further alleged that the specified unlawful activity is health care fraud, in violation of Title 18, United States Code, Section 1347, and conspiracy to defraud the United States and to receive and pay health care kickbacks, in violation of Title 18, United States Code, Section 371.

In violation of Title 18, United States Code, Sections 1957 and 2.

COUNTS 28-34
Money Laundering
(18 U.S.C. § 1956(a)(1)(B)(i))

1. On or about the date specified as to each count below, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants listed below did knowingly conduct and attempt to conduct a financial transaction affecting interstate commerce, which financial transaction involved the proceeds of specified unlawful activity, knowing that the property involved in the financial transaction represented the proceeds of some form of unlawful activity, and knowing that the transaction was designed in whole and in part to conceal and disguise the nature, location, source, ownership and control of the proceeds of specified unlawful activity, as more specifically described below:

Count	Defendant(s)	Financial Transaction	Approx. Date
28	[REDACTED]	Negotiated Medlink check number 3917 in the approximate amount of \$8000 using an account ending in 1998	1/12/07
29	[REDACTED] YOISEL CANCIO	Negotiated Medlink check number 7151 in the approximate amount of \$2857.14 endorsed over to [REDACTED] account ending in 7532	3/23/09
30	[REDACTED] PEDRO SOSA	Negotiated Medlink check number 7153 in the approximate amount of \$2857.14 endorsed over to [REDACTED] account ending in 7532	3/23/09
31	ADRIANA MEJIA	Negotiated Medlink check number 7608 in the approximate amount of \$9,052.65 using an account held by MEJIA	5/12/09
32	ADRIANA MEJIA	Negotiated Medlink check number 7704 in the approximate amount of \$14,268.97 using an account ending in 1263 on behalf of Andorra Printer Designs	6/19/09
33	ADRIANA MEJIA	Negotiated ATC check number 34355 in the approximate amount of \$14,000.70 using an account ending in 4468 on behalf of Andorra Printer Designs	7/27/09

Count	Defendant(s)	Financial Transaction	Approx. Date
34	ADRIANA MEJIA	Negotiated Medlink check number 8519 in the approximate amount of \$3458.11 using an account held by MEJIA	5/28/10

It is further alleged that the specified unlawful activity is health care fraud, in violation of Title 18, United States Code, Section 1347, and conspiracy to defraud the United States and to receive and pay health care kickbacks, in violation of Title 18, United States Code, Section 371.

In violation of Title 18, United States Code, Sections 1956(a)(1)(B)(i) and 2.

COUNTS 35-38
Structuring to Avoid Reporting Requirements
(31 U.S.C. § 5324(a)(1) and (d)(2))

1. A "currency transaction report" ("CTR") is a report that is submitted on United States Department of Treasury ("Treasury"), Financial Crimes Enforcement Network Form 104. A domestic financial institution is required by federal law to file a CTR with Treasury for each financial transaction that involves United States currency in excess of \$10,000. Such financial transactions include deposits, withdrawals, or exchanges of currency, or other transactions involving the physical transfer of currency from one person to another.

2. On or about the dates set forth below, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants listed below did knowingly and for the purpose of evading the reporting requirements of Title 31, United States Code, Section 5313(a), and the regulations promulgated thereunder, cause and attempt to cause a domestic financial institution to fail to file a report required under Title 31, United States Code, Section 5313(a), and the regulations promulgated thereunder, while violating another law of the United States and as part of a pattern of illegal activity involving more than \$100,000 in a 12-month period:

Count	Defendant(s)	Approx. Date	Bank Transactions
35	<p>[REDACTED]</p> <p>PEDRO SOSA, YOISEL CANCIO</p>	3/31/08	<p>Negotiation of the following Medlink check numbers by SOSA endorsed over to [REDACTED] account ending in 7532:</p> <ul style="list-style-type: none"> • 5686 in the approx. amount of \$3095.24 • 5693 in the approx. amount of \$3095.24 <p>Negotiation of the following Medlink check numbers endorsed over to [REDACTED] account ending in 7532:</p> <ul style="list-style-type: none"> • 5685 in the approx. amount of \$3095.24 • 5692 in the approx. amount of \$3095.24 <p>Negotiation of the following Medlink check numbers by CANCIO endorsed over to [REDACTED] account ending in 7532:</p> <ul style="list-style-type: none"> • 5684 in the approx. amount of \$3095.24 • 5691 in the approx. amount of \$3095.24
36	<p>[REDACTED]</p> <p>YOISEL CANCIO</p>	4/28/08	<p>Negotiation of the following Medlink check numbers endorsed over to [REDACTED] account ending in 7532:</p> <ul style="list-style-type: none"> • 5775 in the approx. amount of \$3095.24 • 5782 in the approx. amount of \$3095.24 • 5768 in the approx. amount of \$3095.24 <p>Negotiation of the following Medlink check numbers by CANCIO endorsed over to [REDACTED] account ending in 7532:</p> <ul style="list-style-type: none"> • 5780 in the approx. amount of \$3095.24 • 5766 in the approx. amount of \$3095.24 • 5773 in the approx. amount of \$3095.24

Count	Defendant(s)	Approx. Date	Bank Transactions
37	ADRIANA MEJIA	2/26/10	<p>Negotiation of the following ATC check numbers using a bank account on behalf of Computer Resources Management Review Co:</p> <ul style="list-style-type: none"> • 36957 in the approx. amt. of \$4999.08 • 36961 in the approx. amt. of \$4995.90 • 36965 in the approx. amt. of \$4999.25 • 36969 in the approx. amt. of \$4998.20 • 36973 in the approx. amt. of \$5007.57 <p>Negotiation of the following ATC check numbers using a bank account on behalf of FREE OF DIRT.COM CO.:</p> <ul style="list-style-type: none"> • 36955 in the approx. amt. of \$4999.98 • 36959 in the approx. amt. of \$4998.20 • 36963 in the approx. amt. of \$4997.99 • 36967 in the approx. amt. of \$5001.00 • 36971 in the approx. amt. of \$5003.01 <p>Negotiation of the following ATC check numbers using a bank account on behalf of Pulp and Paper Co:</p> <ul style="list-style-type: none"> • 36956 in the approx. amt. of \$4998.03 • 36960 in the approx. amt. of \$4999.98 • 36964 in the approx. amt. of \$5005.75 • 36968 in the approx. amt. of \$5000.25 • 36972 in the approx. amt. of \$4995.99 <p>Negotiation of the following ATC check numbers using a bank account on behalf of Stamina Communication:</p> <ul style="list-style-type: none"> • 36958 in the approx. amt. of \$4999.50 • 36962 in the approx. amt. of \$4990.50 • 36966 in the approx. amt. of \$5008.25 • 36970 in the approx. amt. of \$5007.75 • 36974 in the approx. amt. of \$4994.00

Count	Defendant(s)	Approx. Date	Bank Transactions
38	ADRIANA MEJIA	8/13/10	<p>Negotiation of the following ATC check numbers using a bank account on behalf of Computer Resources Management Review Co.:</p> <ul style="list-style-type: none"> • 39489 in the approx. amt. of \$4720.00 • 39493 in the approx. amt. of \$4900.00 • 39497 in the approx. amt. of \$4935.20 • 39501 in the approx. amt. of \$4890.25 • 39509 in the approx. amt. of \$4980.75 <p>Negotiation of the following ATC check numbers using a bank account on behalf of FREE OF DIRT.COM CO.:</p> <ul style="list-style-type: none"> • 39487 in the approx. amt. of \$4835.20 • 39491 in the approx. amt. of \$4899.60 • 39495 in the approx. amt. of \$4895.70 • 39499 in the approx. amt. of \$4799.30 • 39507 in the approx. amt. of \$4920.80 <p>Negotiation of the following ATC check numbers using a bank account on behalf of Pulp and Paper Co:</p> <ul style="list-style-type: none"> • 39488 in the approx. amt. of \$4430.75 • 39492 in the approx. amt. of \$4399.80 • 39496 in the approx. amt. of \$4646.40 • 39500 in the approx. amt. of \$4890.30 • 39508 in the approx. amt. of \$4880.00 <p>Negotiation of the following ATC check numbers using a bank account on behalf of Stamina Communication:</p> <ul style="list-style-type: none"> • 39490 in the approx. amt. of \$4775.90 • 39494 in the approx. amt. of \$4980.80 • 39498 in the approx. amt. of \$4750.75 • 39502 in the approx. amt. of \$4920.88 • 39510 in the approx. amt. of \$4580.30

It is further alleged that the other law of the United States violated is health care fraud, in violation of Title 18, United States Code, Section 1347, and conspiracy to defraud the United States and to receive and pay health care kickbacks, in violation of Title 18, United States Code,

Section 371, and that the pattern of illegal activity involved more than \$100,000 in a 12-month period.

In violation of Title 31 United States Code, Sections 5324(a)(1) and (d)(2) and Title 18 United States Code Section 2.

CRIMINAL FORFEITURE
(18 U.S.C. § 982)

1. The allegations contained in Counts 1 through 34 of this Indictment are realleged and incorporated by reference as though fully set forth herein for the purpose of alleging forfeiture to the United States of America of certain property in which **MARK WILLNER, MD, ALAN GUMER, ALBERTO AYALA, MD, VANJA ABREU, Ph.D, NANCY MERCED-SOLA, LYDIA WARD, Ph.D, NICHOLE ECKERT, SANDRA JIMENEZ, HILARIO MORRIS, JOSEPH VALDES, ADRIANA MEJIA, [REDACTED], PEDRO SOSA, YOISEL CANCIO, MATHIS MOORE, NELSON FERNANDEZ, LEYANES PLACERES, JAMES EDWARDS** and **CURTIS GATES** have an interest.

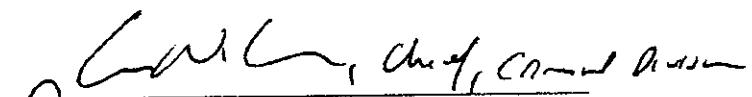
2. Upon conviction of Counts 1 through 13, as alleged in this Indictment, the defendants, **MARK WILLNER, MD, ALAN GUMER, MD, ALBERTO AYALA, MD, VANJA ABREU, Ph.D, NANCY MERCED-SOLA, LYDIA WARD, Ph.D, NICHOLE ECKERT, SANDRA JIMENEZ, HILARIO MORRIS, JOSEPH VALDES, MATHIS MOORE, NELSON FERNANDEZ, LEYANES PLACERES, JAMES EDWARDS, FRANK CRIADO,** and **CURTIS GATES** shall forfeit to the United States any property, real or personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of the offense pursuant to Title 18, United States Code, Section 982(a)(7).


3. Upon conviction of Counts 14 through 34, as alleged in this Indictment, the defendants, **ADRIANA MEJIA, [REDACTED], PEDRO SOSA,** and **YOISEL**

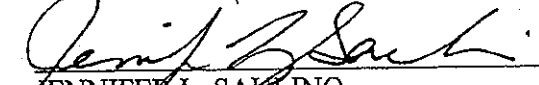
All pursuant to Title 18, United States Code, Section 982(a)(7) and the procedures outlined in Title 21, United States Code, Section 853.

A TRUE BILL

FOREPERSON

for 
WIFREDO A. FERRER
UNITED STATES ATTORNEY
SOUTHERN DISTRICT OF FLORIDA

for 
HANK BOND WALTHER
DEPUTY CHIEF
CRIMINAL DIVISION, FRAUD SECTION
U.S. DEPARTMENT OF JUSTICE


JENNIFER L. SAULINO
MARIA GONZALEZ CALVET
TRIAL ATTORNEYS
CRIMINAL DIVISION, FRAUD SECTION
U.S. DEPARTMENT OF JUSTICE