

Sep 14, 2021

ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S.D. OF FLA. - MIAMIUNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
21-20468-CR-KING/BECERRA
Case No. _____18 U.S.C. § 371
18 U.S.C. § 982(a)(7)

UNITED STATES OF AMERICA

v.

MAYARA GONZALEZ CHAVIANO,

Defendant.
_____ /INFORMATION

The Acting United States Attorney charges that:

GENERAL ALLEGATIONS

At all times relevant to this Information:

The Medicare Program

1. The Medicare Program ("Medicare") was a federally funded program that provided free or below-cost health care benefits to certain individuals, primarily the elderly, blind, and disabled. The benefits available under Medicare were governed by federal statutes and regulations. The United States Department of Health and Human Services ("HHS"), through its agency, the Centers for Medicare and Medicaid Services ("CMS"), oversaw and administered Medicare. Individuals who received benefits under Medicare were commonly referred to as Medicare "beneficiaries."

2. Medicare was subdivided into multiple program "parts." Medicare Part A covered health services provided by hospitals, skilled nursing facilities, hospices, and home health agencies. Medicare Part B covered physician services and outpatient care. Medicare Part C, also

known as the “Medicare Advantage” Program, provided Medicare beneficiaries with the option to receive their Medicare benefits through private managed health care plans, including health maintenance organizations and preferred provider organizations.

3. Medicare and Medicare Advantage were “health care benefit program[s],” as defined by Title 18, United States Code, Section 24(b), and “[f]ederal health care program[s],” as defined by Title 42, United States Code, Section 1320a-7b(f).

4. When a provider submitted a claim form to a Medicare Advantage program, the provider certified that the contents of the form were true, correct, complete, and that the form was prepared in compliance with the laws and regulations governing the Medicare program. The submitting party also certified that the services being billed were medically necessary and were in fact provided as billed.

The Florida Medicaid Program

5. The Florida Medicaid Program (“Medicaid”) was a partnership between the State of Florida and the federal government that provided health care benefits to certain low-income individuals and families in Florida. The benefits available under Medicaid were governed by federal and state statutes and regulations. Medicaid was administered by CMS and the State of Florida’s Agency for Health Care Administration (“AHCA”). Individuals who received benefits under Medicaid were commonly referred to as Medicaid “recipients.”

6. Medicaid was funded with both federal and state money, and was a “health care benefit program,” as defined by Title 18, United States Code, Section 24(b), and a “[f]ederal health care program,” as defined by Title 42, United States Code, Section 1320a-7b(f).

7. When a provider submitted a claim form to Medicaid, the provider certified that the contents of the form were true, correct, complete, and that the form was prepared in compliance

with the laws and regulations governing the Medicaid program. The submitting party also certified that the services being billed were medically necessary and were in fact provided as billed.

The Defendant, Related Entities, and Individuals

8. Rios Medical Center Inc. ("Rios Medical") was a medical clinic located at 330 Southwest 27th Avenue in Miami, Florida. Rios Medical purported to provide, among other things, medically necessary mental health therapy services to Medicare beneficiaries and Medicaid recipients and submitted claims to Medicare and Medicaid for such services.

9. Union Medical Clinic Inc. ("Union Medical") was a medical clinic located at 330 Southwest 27th Avenue in Miami, Florida. Union Medical purported to provide, among other things, medically necessary mental health therapy services to Medicare beneficiaries and Medicaid recipients and submitted claims to Medicare and Medicaid for such services.

10. Defendant **MAYARA GONZALEZ CHAVIANO** was a resident of Miami-Dade County, Florida, and an employee of Rios Medical and Union Medical.

11. Co-Conspirator 1 was a resident of Miami-Dade County.

12. Co-Conspirator 2 was a resident of Miami-Dade County.

13. Co-Conspirator 3 was a resident of Miami-Dade County.

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

From in or around February 2018, and continuing through in or around October 2020, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

MAYARA GONZALEZ CHAVIANO,

did willfully, that is, with the intent to further the objects of the conspiracy, and knowingly combine, conspire, confederate and agree with Co-Conspirator 1, Co-Conspirator 2, Co-

Conspirator 3, and others known and unknown to the Acting United States Attorney:

a. to defraud the United States by impairing, impeding, obstructing, and defeating through deceitful and dishonest means, the lawful government functions of HHS in its administration and oversight of the Medicare and Medicaid programs, in violation of Title 18, United States Code, Section 371; and

b. to commit an offense against the United States, that is, to violate Title 42, United States Code, Section 1320a-7b(b)(2)(A), by knowingly and willfully offering and paying remuneration, including kickbacks and bribes, directly and indirectly, overtly and covertly, in cash and in kind, including by check, in return for referring an individual to a person for the furnishing and arranging for the furnishing of an item and service for which payment may be made in whole or in part under a Federal health care program, that is, Medicare and Medicaid.

PURPOSE OF THE CONSPIRACY

14. It was a purpose of the conspiracy for the defendant and her co-conspirators to unlawfully enrich themselves by, among other things: (a) offering and paying kickbacks and bribes to individuals to recruit Medicare beneficiaries and Medicaid recipients to Rios Medical and Union Medical to serve as patients; (b) offering and paying kickbacks and bribes to Medicare beneficiaries and Medicaid recipients to ensure those beneficiaries and recipients served as patients at Rios Medical and Union Medical; (c) submitting and causing the submission of false and fraudulent claims to Medicare and Medicaid for mental health therapy services and related medical services that Rios Medical and Union Medical purportedly provided to Medicare beneficiaries and Medicaid recipients; (d) causing Medicare and Medicaid to make payments to Rios Medical and Union Medical as a result of such claims; (e) concealing the payment of the kickbacks; and (f)

diverting the fraud proceeds for the defendant and her co-conspirators' personal use and benefit and the use and benefit of others, and to further the conspiracy.

MANNER AND MEANS OF THE CONSPIRACY

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

15. **MAYARA GONZALEZ CHAVIANO**, Co-Conspirator 1, Co-Conspirator 2, and Co-Conspirator 3 offered and paid kickbacks and bribes to individuals to recruit Medicare beneficiaries and Medicaid recipients to serve as patients at Rios Medical and Union Medical.

16. **MAYARA GONZALEZ CHAVIANO**, Co-Conspirator 1, Co-Conspirator 2, and Co-Conspirator 3 offered and paid kickbacks and bribes to Medicare beneficiaries and Medicaid recipients to ensure those beneficiaries and recipients served as patients at Rios Medical and Union Medical, regardless of medical need.

17. **MAYARA GONZALEZ CHAVIANO** caused Rios Medical and Union Medical to submit false and fraudulent claims to Medicare and Medicaid for mental health therapy services and related medical services purportedly provided to the recruited Medicare beneficiaries and Medicaid recipients.

18. **MAYARA GONZALEZ CHAVIANO** caused Medicare and Medicaid to pay approximately \$982,404 to Rios Medical and Union Medical, based upon the mental health therapy services and related medical services purportedly provided to the recruited Medicare beneficiaries and Medicaid recipients.

OVERT ACTS

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

1. On or about October 17, 2019, **MAYARA GONZALEZ CHAVIANO** and Co-Conspirator 1 paid Individual 1 approximately \$200 in cash as a kickback for referring M.M., a Medicare beneficiary and Medicaid recipient, to Rios Medical and Union Medical.

2. On or about December 2, 2019, Co-Conspirator 1 paid several hundred dollars in cash to each Medicare beneficiary and Medicaid recipient present at Rios Medical as kickbacks for serving as patients of Rios Medical.

3. On or about December 3, 2019, Co-Conspirator 2 used a spreadsheet tracking the kickback payments owed to Rios Medical patients to determine whether the co-conspirators had paid the patients the kickbacks promised to them by Co-Conspirator 1.

4. In or around September 2020, Co-Conspirator 3 re-opened Rios Medical and Union Medical, which had temporarily closed following the death of Co-Conspirator 1, and directed his employees to continue paying kickbacks.

All in violation of Title 18, United States Code, Section 371.

FORFEITURE ALLEGATIONS

1. The allegations of this Information are hereby re-alleged and by this reference fully incorporated herein for the purpose of alleging forfeiture to the United States of America of certain property in which the defendant, **MAYARA GONZALEZ CHAVIANO**, has an interest.

2. Upon conviction of a conspiracy to commit a violation of Title 42, United States Code, Section 1320a-7b(b)(2)(A), as alleged in this Information, the defendant shall forfeit to the

United States all property, real or personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of such violation, pursuant to Title 18, United States Code, Section 982(a)(7).

3. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

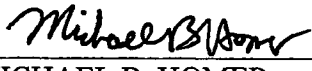
the United States shall be entitled to the forfeiture of substitute property under the provisions of Title 21, United States Code, Section 853(p).

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All pursuant to Title 18, United States Code, Section 982(a)(7), and the procedures set forth in Title 21, United States Code, Section 853, as incorporated by Title 18, United States Code, Section 982(b).



JUAN ANTONIO GONZALEZ
ACTING UNITED STATES ATTORNEY



MICHAEL B. HOMER
ASSISTANT UNITED STATES ATTORNEY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

CASE NO. _____

v.

MAYARA GONZALEZ CHAVIANO,

CERTIFICATE OF TRIAL ATTORNEY*

Superseding Case Information:

Defendant _____/

Court Division: (Select One)

- Miami Key West FTL
- WPB FTP

New defendant(s) Yes No

Number of new defendants _____

Total number of counts _____

1. I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
2. I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.
3. Interpreter: (Yes or No) Yes
List language and/or dialect Spanish
4. This case will take 0 days for the parties to try.
5. Please check appropriate category and type of offense listed below:

- (Check only one)
- I 0 to 5 days
 - II 6 to 10 days
 - III 11 to 20 days
 - IV 21 to 60 days
 - V 61 days and over

- (Check only one)
- Petty
 - Minor
 - Misdemeanor
 - Felony

6. Has this case previously been filed in this District Court? (Yes or No) No

If yes: Judge _____ Case No. _____

(Attach copy of dispositive order)

Has a complaint been filed in this matter? (Yes or No) No

If yes: Magistrate Case No. _____

Related miscellaneous numbers: _____

Defendant(s) in federal custody as of _____

Defendant(s) in state custody as of _____

Rule 20 from the District of _____

Is this a potential death penalty case? (Yes or No) No

7. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to August 9, 2013 (Mag. Judge Alicia O. Valle)? (Yes or No) No

8. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to August 8, 2014 (Mag. Judge Shaniek Maynard)? (Yes or No) No

9. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to October 3, 2019 (Mag. Judge Jared Strauss)? (Yes or No) No

Michael B. Homer

Michael B. Homer

Assistant United States Attorney

Court ID No. A5502497

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: MAYARA GONZALEZ CHAVIANO

Case No: _____

Count #: 1

Conspiracy to Defraud the United States and to Pay Health Care Kickbacks

Title 18, United States Code, Section 371

*Max. Penalty: Five (5) Years' Imprisonment

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NUMBER: _____

BOND RECOMMENDATION

DEFENDANT: MAYARA GONZALEZ CHAVIANO

\$100,000 personal surety bond with co-signor
(Personal Surety) (Corporate Surety) (Cash) (Pre-Trial Detention)

By: *Michael B. Homer*
AUSA: Michael B. Homer

Last Known Address: ████████████████████

██████████

What Facility: _____

Agent(s): FBI SA David Strubinger

(FBI) (SECRET SERVICE) (DEA) (IRS) (ICE) (**OTHER**)

UNITED STATES DISTRICT COURT
for the
Southern District of Florida

United States of America)
v.) Case No.
Mayara Gonzalez Chaviano,)
_____))
Defendant)

WAIVER OF AN INDICTMENT

I understand that I have been accused of one or more offenses punishable by imprisonment for more than one year. I was advised in open court of my rights and the nature of the proposed charges against me.

After receiving this advice, I waive my right to prosecution by indictment and consent to prosecution by information.

Date: _____

Defendant's signature

Signature of defendant's attorney

Printed name of defendant's attorney

Judge's signature

Judge's printed name and title