

FILED
VANESSA L. ARMSTRONG, CLERK

JUN 02 2015

U.S. DISTRICT COURT
WEST'N. DIST. KENTUCKY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

UNITED STATES OF AMERICA

v.

CLAUDIA LOPEZ
OSKEL LEZCANO
ARIEL BORREGO-HERNANDEZ
SERGIO BETANCOURT
LEDINSON CHAVEZ

INDICTMENT

NO. 3:15-cr-54-JHM

18 U.S.C. § 2
18 U.S.C. § 982
18 U.S.C. § 1028A(c)(5)
18 U.S.C. § 1028A(a)(1)
18 U.S.C. § 1347
18 U.S.C. § 1028

The Grand Jury charges:

COUNT 1
(Health Care Fraud)

1. Beginning no later than on or about November 25, 2013, and continuing through on or about July 18, 2014, in the Western District of Kentucky, Jefferson County, Kentucky, and elsewhere, **CLAUDIA LOPEZ, OSKEL LEZCANO, ARIEL BORREGO-HERNANDEZ, SERGIO BETANCOURT and LEDINSON CHAVEZ**, the defendants herein, aided and abetted by each other and others, known and unknown to the Grand Jury, knowingly and willfully executed, and attempted to execute, a scheme and artifice to defraud a health care benefit program, in connection with the delivery of, and payment for, health care benefits, items, and services, to wit:

2. **CLAUDIA LOPEZ, OSKEL LEZCANO, ARIEL BORREGO-HERNANDEZ, SERGIO BETANCOURT and LEDINSON CHAVEZ** recruited unsuspecting chiropractors to either open up chiropractic clinics or to staff existing chiropractic clinics in the Louisville area, with the intent to fraudulently bill insurance companies from the clinics. Each chiropractor provided their National Provider Identifier (NPI) number to

CLAUDIA LOPEZ and **OSKEL LEZCANO** in order to credential the clinics with various insurance companies. Thereafter, the defendants recruited employees from a local company to seek chiropractic services from the clinics. However, unbeknownst to the patients and the chiropractors, the clinics billed for injections never provided. The local company paid the fraudulent claims through its third-party administrator, United Health Care Services, Inc.

3. In or about January 2014, **CLAUDIA LOPEZ** hired chiropractor K.B. and incorporated Be Well Chiropractic Center, Corp, located at 3715 Bardstown Road, Suite 213, Louisville, Kentucky 40218. **CLAUDIA LOPEZ** funded the clinic, paid chiropractor K.B. for his/her services, provided chiropractic equipment for the clinic, and controlled billing for the clinic. Chiropractor K.B.'s NPI number was used to bill for the clinic. **OSKEL LEZCANO** came to Be Well to train **CLAUDIA LOPEZ** on billing.

4. In or about November 2011, **OSKEL LEZCANO** incorporated Gold Hands Medical Billing Corp, located at 6355 SW 8 Street, Miami, Florida, 33144. Additionally, in or about May 2013, **OSKEL LEZCANO** incorporated Gold Hands Medical Billing B, Inc., located at 8600 Preston Highway, Suite 100, Louisville, Kentucky, 40229, with **LEDINSON CHAVEZ** listed as President.

A. In or about November 2013, **OSKEL LEZCANO** incorporated Xpress Diagnostics Center, Inc., located at 8600 Preston Highway, Suite 100, Louisville, Kentucky 40219, and eventually employed chiropractor M.K. at this location. Additionally, in or about January 2014, **OSKEL LEZCANO** incorporated Locklear Chiropractic Center, LLC, located at the same location as Xpress Diagnostics Center, and employed chiropractor M.K. at this location as well. This is also the same location where Gold Hands Medical Billing B, Inc. is located.

B. In or about January 2014, **OSKEL LEZCANO**, incorporated Prudential Chiropractic Medical Center, PLLC, located at 3411 Bardstown Road, Suite 101, Louisville, Kentucky 40218, in the name of chiropractor D.C., and employed D.C. at this location.

C. In or about February 2014, **OSKEL LEZCANO** incorporated Klondike Chiropractic Medical Center, LLC, located at 3616 Klondike Lane, Louisville, Kentucky 40218, in the name of chiropractor M.K., but employed chiropractor D.C. to work at this location.

D. In or about February 2014, **OSKEL LEZCANO** directed chiropractor T.B. to incorporate Med Center Chiropractic & Rehab LLC, located at 8006 Shepherdsville Road, Louisville, Kentucky, 40219.

E. In or about March 2014, **OSKEL LEZCANO** incorporated Chiropractic and Medical Center, LLC, located at 8663 Preston Highway, Louisville, Kentucky 40219, in the name of chiropractor D.C., but employed chiropractor M.K. at this location.

5. **OSKEL LEZCANO** agreed to and did pay the aforementioned chiropractors at his clinics in exchange for placing the entities in their names, treating patients at the clinics, and billing for chiropractic services under the chiropractor's NPI number. After treating patients, the chiropractors provided a list of services performed on the patients to one of **OSKEL LEZCANO's** employees, to be billed through Gold Hands Medical Billing Corp and Gold Hands Medical Billing B, Inc. to United Health Care Services, Inc. None of the chiropractors provided injections or witnessed any patient receive an injection at any of the clinics.

6. **CLAUDIA LOPEZ, OSKEL LEZCANO, ARIEL BORREGO-HERNANDEZ, SERGIO BETANCOURT** and **LEDINSON CHAVEZ** recruited Jeffboat

employees, an American Commercial Lines' manufacturing division located in Jeffersonville, Indiana, as patients of the above-mentioned clinics. The above-mentioned clinics billed over \$5,000,000 for methocarbamol injections, which is a muscle relaxant. However, no injections were ever given to the patients. The clinics instead billed for the injections using the patients' names, dates of birth, insurance/policy numbers, addresses, and patient IDs/Social Security Numbers, without the patients' knowledge. The clinics used **OSKEL LEZCANO's** billing companies, Gold Hands Medical Billing Corp and Gold Hands Medical Billing B, Inc., to process the fraudulent billings. Unbeknownst to any of the chiropractors listed above, their NPI numbers were used by the above-mentioned clinics to submit the fraudulent billings for the injections to United Health Care Services, Inc. for payment. In addition, multiple clinics billed for the fraudulent injections using the same patients' names.

7. **CLAUDIA LOPEZ, OSKEL LEZCANO, ARIEL BORREGO-HERNANDEZ, SERGIO BETANCOURT** and **LEDINSON CHAVEZ** operated and controlled the above-mentioned clinics, even though the clinics were placed in various chiropractors' names. **SERGIO BETANCOURT** and **LEDINSON CHAVEZ** managed Locklear Chiropractic Center, LLC; Xpress Diagnostics Center, Inc.; Klondike Chiropractic Medical Center, LLC; Prudential Chiropractic Medical Center, PLLC; Med Center Chiropractic & Rehab, LLC; and Chiropractic and Medical Center, LLC, for and on behalf of **OSKEL LEZCANO**. **CLAUDIA LOPEZ** and **ARIEL BORREGO-HERNANDEZ** together managed Be Well Chiropractic Center, Corp.

8. **CLAUDIA LOPEZ** instructed chiropractor K.B. to open a checking account at PNC in the name of Be Well Chiropractic Center. During 2014, there were at least \$129,320 in deposits from United Health Care Services, Inc. to Be Well. **CLAUDIA LOPEZ** directed K.B.

to write checks to **CLAUDIA LOPEZ** and **ARIEL BORREGO-HERNANDEZ**. **ARIEL BORREGO-HERNANDEZ** in turn paid at least one Jeffboat employee for recruiting and directing other Jeffboat employees to the clinics. Be Well also used **OSKEL LEZCANO**'s billing companies, Gold Hands Medical Billing Corp and Gold Hands Medical Billing B, Inc. to process the fraudulent billings.

9. **LEDINSON CHAVEZ** opened Locklear Chiropractic, LLC's business bank account with JP Morgan Chase in or about January 2014. He is the sole signature authority on the account. The first United Health Care Services, Inc. check deposited into this account was in or about January 2014, and the last United Health Care Service, Inc. check was deposited in or about May 2014. **OSKEL LEZCANO** and Gold Hands Billing received approximately \$104,140 in checks written from the account, **SERGIO BETANCOURT** received approximately \$58,500 in checks written from the account, **LEDINSON CHAVEZ** received approximately \$65,000 in checks written from the account, and Y.D., another **OSKEL LEZCANO** associate, received approximately \$46,237 in checks written from the account.

10. Self-insured Jeffboat, employer of the patients, suffered a loss of over \$1,300,000.00 for the fraudulent injections, paid through its third party administrator, United Health Care Services, Inc.

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

The Grand Jury further charges:

COUNTS 2-3
(Aggravated Identity Theft)

On or about each of the dates listed below, in the Western District of Kentucky, Jefferson County, Kentucky, **CLAUDIA LOPEZ**, the defendant herein, did knowingly possess, transfer

and use the means of identification of another person, including the patient's name, address, DOB, and social security number, without lawful authority, during and in relation to Health Care Fraud, in violation of 18 U.S.C. § 1347, as charged in Count 1:

Count	Date	Patient
2	April 15, 2014	A.P.
3	April 28, 2014	A.B.

In violation of Title 18, United States Code, Sections 1028A(a)(1) and (c)(5).

The Grand Jury further charges:

COUNTS 4-8
(Aggravated Identity Theft)

On or about each of the dates listed below, in the Western District of Kentucky, Jefferson County, Kentucky, **OSKEL LEZCANO**, the defendant herein, did knowingly possess, transfer and use the means of identification of another person, including the patient's name, address, DOB, and social security number, without lawful authority, during and in relation to Health Care Fraud, in violation of 18 U.S.C. § 1347, as charged in Count 1:

Count	Date	Patient
4	January 30, 2014	A.A.
5	March 19, 2014	E.R.
6	March 19, 2014	M.M.
7	April 29, 2014	O.V.
8	April 30, 2014	R.M.

In violation of Title 18, United States Code, Sections 1028A(a)(1) and (c)(5).

NOTICE OF FORFEITURE

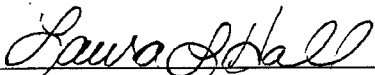
If convicted of any violation of Title 18, United States Code, Section 1028A or 1347, **CLAUDIA LOPEZ, OSKEL LEZCANO, ARIEL BORREGO-HERNANDEZ, SERGIO BETANCOURT** and **LEDINSON CHAVEZ**, the defendants herein, shall forfeit to the United States any property constituting or derived from any proceeds obtained, directly or indirectly, as the result of any such violation, and any property used or intended to be used, in any manner or part, to commit or to facilitate the commission of such violation, including, but not limited to, real property owned by **ARIEL BORREGO-HERNANDEZ**, located at 235 Country Trace Court, Taylorsville, KY 40071, Deed Book 847, Deed Page 100.

Pursuant to Title 18, United States Code, Sections 982(a)(2)(B) and (7), and 1028.

A TRUE BILL.

Redacted

FOREPERSON



JOHN E. KUHN, JR.
ACTING UNITED STATES ATTORNEY

JEK:JRA:LJW:05/27/2015