

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA	)	
	)	No.
vs.	)	
	)	
JACQUELINE TUANQUI and	)	Violations: Title 18, United States Code,
SUSIE AVELLANOSA	)	Section 371; Title 42, United
also known as SUSIE CRUZ	)	States Code, Sections 1320a-
	)	7b(b)(1)(A) and 1320a-
	)	7b(b)(2)(A)
	)	
	)	
	)	<b><u>UNDER SEAL</u></b>

**COUNT ONE**

The SPECIAL JUNE 2015 GRAND JURY charges:

1. At times material to this Indictment:

**The Medicare Program**

a. Medicare was a federal health care program providing benefits to persons who were over the age of 65 or disabled. Medicare was administered by the Centers for Medicare and Medicaid Services, a federal agency under the United States Department of Health and Human Services. Individuals who received benefits under Medicare were referred to as Medicare “beneficiaries.”

b. Medicare was a “health care benefit program,” as defined by Title 18, United States Code, Section 24(b), and a “Federal health care program,” as defined by Title 42, United States Code, Section 1320a-7b.

c. The Medicare program included coverage under two primary components, hospital insurance (“Part A”) and medical insurance (“Part B”). Part A of the Medicare program

covered the cost of home health care services such as skilled nursing services and physical therapy.

d. Palmetto GBA and National Government Services were the CMS-contracted carriers for home health care claims in the state of Illinois. Cahaba Safeguard Administrators, LLC was the Program Safeguard Contractor for home health care in the state of Illinois.

e. A home health agency was an entity that provided health care services to Medicare beneficiaries in their homes. Medicare covered home health care services when beneficiaries needed skilled care and were homebound.

#### **The Defendants and Related Companies**

f. Hexagram Home Health Care, LLC was a home health care company enrolled in Medicare. Hexagram had locations in Chicago, Illinois and Elgin, Illinois. Hexagram purported to provide home health care services to Medicare beneficiaries, and through its officers and agents submitted claims for payment to Medicare.

g. Allied Care Services, Inc. was a corporation registered in the State of Illinois. Allied was located in Elgin, Illinois.

h. Defendant JACQUELINE TUANQUI, a resident of Cook County, Illinois, was the owner and administrator of Hexagram.

i. Defendant SUSIE AVELLANOSA, a resident of Kane County, Illinois, was a marketer for Hexagram and the owner of Allied.

2. From in or around November 2012 and continuing through in or around April 2014, at Cook County, in the Northern District of Illinois, and elsewhere,

JACQUELINE TUANQUI and

SUSIE AVELLANOSA,

defendants herein, together with others known and unknown to the Grand Jury, did conspire:

a. to knowingly and willfully offer and pay any remuneration, including kickbacks and bribes, directly and indirectly, overtly and covertly, from defendant JACQUELINE TUANQUI and others to defendant SUSIE AVELLANOSA and others, to induce the referral of patients to Hexagram for the furnishing and arranging for the furnishing of services for which payment may be made in whole or in part under a Federal health care program, namely, Medicare, in violation of Title 42, United States Code, Section 1320a-7b(b)(2)(A); and

b. to knowingly and willfully solicit and receive any remuneration, including kickbacks and bribes, directly and indirectly, overtly and covertly, from defendant JACQUELINE TUANQUI and others to defendant SUSIE AVELLANOSA and others, in return for referring patients to Hexagram for the furnishing and arranging for the furnishing of services for which payment may be made in whole or in part under a Federal health care program, namely, Medicare, in violation of Title 42, United States Code, Section 1320a-7b(b)(1)(A).

**Overview of the Conspiracy**

3. It was part of the conspiracy that defendants and their co-conspirators agreed to unlawfully enrich themselves and others by (i) offering, paying, soliciting, and receiving bribe and kickback payments in return for referring Medicare beneficiaries to Hexagram to serve as home health patients, (ii) using the referred beneficiary information to obtain payments from Medicare for home health services purportedly provided by Hexagram, and (iii) concealing the offer, solicitation, payment, and receipt of the bribes and kickbacks.

4. It was further part of the conspiracy that JACQUELINE TUANQUI offered and paid bribes and kickbacks on behalf of Hexagram to SUSIE AVELLANOSA and others in return for the referral of Medicare beneficiaries to Hexagram for home health services paid by Medicare.

5. It was further part of the conspiracy that SUSIE AVELLANOSA and others solicited and received bribes and kickbacks from JACQUELINE TUANQUI and others in exchange for referring Medicare beneficiaries to Hexagram for home health services paid for by Medicare.

6. It was further part of the conspiracy that, in exchange for bribe and kickback payments, SUSIE AVELLANOSA referred to Hexagram certain Medicare beneficiaries, knowing that such beneficiaries were not homebound.

7. It was further part of the conspiracy that JACQUELINE TUANQUI and SUSIE AVELLANOSA signed written contracts that were designed to conceal the true nature of their agreement.

8. It was further part of the conspiracy that the true nature of the agreement between JACQUELINE TUANQUI and SUSIE AVELLANOSA was that, in exchange for bribe and kickback payments, AVELLANOSA would refer to Hexagram a pre-determined number of patients per month.

9. It was further part of the conspiracy that the written contracts signed by TUANQUI and AVELLANOSA omitted any reference to their agreed-upon referral quota. The written agreements instead stated that the pay to AVELLANOSA would be based on the number of hours that AVELLANOSA worked.

10. It was further part of the conspiracy that JACQUELINE TUANQUI and her co-conspirators submitted to Medicare, and caused to be submitted to Medicare, claims for home health services purportedly provided to the beneficiaries referred to Hexagram by SUSIE AVELLANOSA and others.

11. It was further part of the conspiracy that JACQUELINE TUANQUI and her co-conspirators caused Medicare to pay Hexagram at least approximately \$450,000 based upon claims submitted for home health care services purportedly provided to Medicare beneficiaries referred to Hexagram by SUSIE AVELLANOSA and others.

12. It was further part of the conspiracy that JACQUELINE TUANQUI, SUSIE AVELLANOSA, and their co-conspirators misrepresented, concealed, hid, and caused to be misrepresented, concealed, and hidden, the purpose of the conspiracy and acts done in furtherance of the conspiracy.

#### **Overt Acts**

13. In furtherance of and to effect the objects of the conspiracy, the defendants committed and caused to be committed, in the Northern District of Illinois, at least one of the following overt acts, among others:

The kickback transactions charged in Counts Two through Seventeen of this Indictment, each of which constitutes an overt act in furtherance of the conspiracy;

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

**COUNTS TWO THROUGH NINE**

The SPECIAL JUNE 2015 GRAND JURY charges:

1. The allegations of Paragraph 1 of Count One of this Indictment are incorporated here.
2. On or about the dates set forth below, in the Northern District of Illinois, Eastern Division, and elsewhere,

JACQUELINE TUANQUI,

defendant herein, did knowingly and willfully offer and pay, directly and indirectly, overtly and covertly, remuneration, as set forth below, to a person to induce the referral of Medicare beneficiaries to Hexagram for the furnishing and arranging for the furnishing of services for which payment may be made in whole or in part under a Federal health care program, namely, Medicare:

<b>Count</b>	<b>Approximate Date</b>	<b>Amount</b>
2	11/15/2012	\$3,600
3	12/31/2012	\$3,600
4	2/28/2013	\$3,600
5	5/4/2013	\$3,600
6	8/2/2013	\$3,600
7	11/2/2013	\$3,600
8	1/31/2014	\$3,600
9	3/17/2014	\$3,600

In violation of Title 42, United States Code, Section 1320a-7b(b)(2)(A).

**COUNTS TEN THROUGH SEVENTEEN**

The SPECIAL JUNE 2015 GRAND JURY charges:

1. The allegations of Paragraph 1 of Count One of this Indictment are incorporated here.
2. On or about the dates set forth below, in the Northern District of Illinois, Eastern Division, and elsewhere,

SUSIE AVELLANOSA,

defendant herein, did knowingly and willfully solicit and receive, directly and indirectly, overtly and covertly, remuneration, as set forth below, in return for referring Medicare beneficiaries to Hexagram for the furnishing and arranging for the furnishing of services for which payment may be made in whole or in part under a Federal health care program, namely, Medicare:

<b>Count</b>	<b>Approximate Date</b>	<b>Amount</b>
10	11/15/2012	\$3,600
11	12/31/2012	\$3,600
12	2/28/2013	\$3,600
13	5/4/2013	\$3,600
14	8/2/2013	\$3,600
15	11/2/2013	\$3,600
16	1/31/2014	\$3,600
17	3/17/2014	\$3,600

In violation of Title 42, United States Code, Section 1320a-7b(b)(1)(A).

## FORFEITURE ALLEGATIONS

The SPECIAL JUNE 2015 GRAND JURY further alleges:

1. The allegations contained in Counts One through Seventeen of this Indictment are incorporated here for the purpose of alleging forfeiture pursuant to the provisions of Title 18, United States Code, Section 982.

2. Upon conviction of a violation of Title 18, United States Code, Section 371, and Title 42, United States Code, Section 1320a-7b(b)(1)(A)-(2)(A), as alleged in the foregoing Indictment,

JACQUELINE TUANQUI and  
SUSIE AVELLANOSA,

defendants herein, shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 982(a)(7), any and all right, title and interest they may have in any property, real and personal, that constitutes and is derived, directly and indirectly, from gross proceeds (approximately \$450,000) traceable to the commission of the offenses.

3. If any of the property described above, as a result of any act or omission of the defendants:

- i. cannot be located upon the exercise of due diligence;
- ii. has been transferred or sold to, or deposited with, a third party;
- iii. has been placed beyond the jurisdiction of the Court;
- iv. has been substantially diminished in value; or
- v. has been commingled with other property that cannot be subdivided without difficulty;



it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek to forfeit any other property of the defendants up to the value of the forfeitable property described above.

All pursuant to Title 18, United States Code, Section 982(a)(7).

A TRUE BILL:

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FOREPERSON

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UNITED STATES ATTORNEY

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UNITED STATES DEPARTMENT OF JUSTICE  
CRIMINAL DIVISION, FRAUD SECTION  
DEPUTY CHIEF