

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

FILED
RICHARD W. NAGEL
COURT OF COURT
2016 JUN 21 AM 9:52

UNITED STATES OF AMERICA :
 :
 :
 Plaintiff :
 :
 vs. :
 :
 RIYAD ALTALLAA :
 MUNA ALNOUBANI :
 :
 Defendants :

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
EAST. DIV. COLUMBUS
Case No: 2:16-cr-128
Judge Sargus

18 U.S.C. §2
18 U.S.C. §1349
18 U.S.C. §1957
18 U.S.C. §981
18 U.S.C. §982
28 U.S.C. §2461

INFORMATION

THE UNITED STATES ATTORNEY CHARGES:

INTRODUCTION

At all relevant times of this Information, unless otherwise alleged:

1) Defendant MUNA ALNOUBANI was the owner of Columbus Home Health Care Services, LLC (hereinafter CHHCS) which provided nursing and home health services to Medicaid recipients and their families. Defendant Riyad Altallaa was the husband and defacto co-owner of CHHCS.

2) On 1/28/2010, Defendant MUNA ALNOUBANI was listed as the Agent on articles of incorporation filed with the Ohio Secretary of State incorporating CHHCS with the listed business address of 50 Old Village Road, Suite 205, Columbus, Ohio 43228.

3) As the listed owner of CHHCS , Defendant MUNA ALNOUBANI entered into Agreements with the Ohio Medicaid Program (Medicaid). These agreements allowed Defendants MUNA ALNOUBANI and RIYAD ALTALLAA to bill for items and services rendered by CHHCS to Medicaid customers.

4) CHHCS entered a provider agreement with Medicaid and was assigned Provider number 51275 which became effective on or about 7/1/2011. Defendant MUNA ALNOUBANI signed the provider agreement as the administrator of CHHCS.

I. The Victim Health Insurance Program

5) The information provided in this section describes the victim, the health insurance program (See "Attachment A" which is incorporated into this Information and serves as the Fed. R. Crim. P. 12.4 Disclosure Statement).

II. The Medicaid Program

6) Medicaid, established by Congress in 1965, provided medical insurance coverage for individuals whose incomes are too low to meet the costs of necessary medical services. Approximately 60% of the funding for Ohio's Medicaid program came from the federal government. The Ohio Department of Medicaid (ODM), Columbus, Ohio, managed the Medicaid program, which was managed previously by the Ohio Department of Job and Family Services (ODJFS). ODM, formerly ODJFS, received, reviewed, and obtained formal authority to make payment of Medicaid claims submitted to it by providers of health care.

7) The Office of Budget and Management (OBM) would then issue the check or electronic fund transfer (EFT) from 30 East Broad Street, Columbus, Ohio 43215. Each qualified Medicaid patient received a Recipient Identification Number to identify the patient as an authorized recipient of Medicaid benefits. Pursuant to the rules and regulations of the Ohio Medicaid Program, including Medicaid MCO's, Medicaid only paid for services that were actually performed by qualified individuals and medically necessary for the patient's health.

8) Medicaid was a health care benefit program, as is defined in 18 U.S.C. §24.

III. Home Health Services

9) Medicaid paid for home health care under a Fee for Service (FFS) system which was a traditional billing and reimbursement method in which providers charge for each medical service or unit provided to a patient.

10) Home health skilled nursing services must have been provided by a registered nurse (RN), or a licensed practical nurse (LPN) under the supervision of a RN. Nursing services were typically recorded in documents commonly referred to as “nursing notes.” These documents recorded the dates, times and nature of the services provided by the nurse.

11) Home health nursing services must have been provided, performed within the nurses scope of practice, and documented in accordance with the consumer’s plan of care. It was also required for services to have been provided in a face-to-face encounter, been medically necessary and provided in accordance with Federal and State laws rules and regulations, including anti-kickback laws. Medical services were not covered when the visit was solely for the supervision of the home health aide, but could have included infusion therapy for the administration of medications, nutrients or other solutions.

12) Home health aide services must have been performed by a home health aide employed or contracted by the agency providing the service. Pursuant to Medicaid rules and regulations, before providing aides services, aides must have at least one year of employment experience as a supervised home health aide or nurse aide and have successfully completed written testing and skills testing, or have completed classroom and supervised practical training totaling at least 75 hours, with at least 16 hours devoted to supervised practical training. At least 16 hours of classroom training is required before beginning the supervised practical training. The home health aide could not have been the parent, step-parent, foster parent, or legal guardian of a

consumer (patient) who was under eighteen (18) years of age, or the consumer's spouse. Home health aide service were typically recorded in documents commonly referred to as "time sheets."

13) Home health aide services must have been provided and documented in accordance with the consumer's plan of care, provided in a face-to-face encounter, been medically necessary to care for the consumer's illness or injury, been necessary to facilitate the nurse or therapist in the care of the consumer's illness or injury or helped the consumer maintain a certain level of health in order to remain in the home setting, and must have been provided in accordance with Federal and State laws, rules and regulations.

14) Home health related services could have included, but was not necessarily limited to, bathing, dressing, grooming, hygiene, including shaving, skin care, foot care, ear care, hair, nail and oral care, that were needed to facilitate care or prevent deterioration of the consumer's health, and included changing bed linens of an incontinent or immobile consumer.

IV. Health Care Reimbursements

15) Providers who provided services to Medicaid patients used a number assigned to the patient to fill out claim forms. The claim form was submitted by the provider to make claims for payments from Medicaid. Medicaid processed each health insurance claim form and issued a check to the provider for the approved services. Providers could have submitted the claim forms in paper format or by electronic means.

16) Health care claim forms, both paper and electronic, contained certain patient information and treatment billing codes. The treatment billing codes described various medical services in the language the providers themselves used. Health care programs had established payment schedules based on the codes billed by the provider. By designating a certain code, the provider certified to the health care program that a given treatment was actually rendered in

compliance with the code requirements and was medically necessary. These treatment billing codes were well known to the medical community, providers, and health care insurance companies.

17) Medicaid used the written claim forms and or electronic invoices to establish the validity of health care claims entitled to payment. A provider who submitted a claim to Medicaid certified that the treatment was actually given to the patient as documented and was medically necessary for the health of the patient.

COUNT 1
CONSPIRACY TO COMMIT HEALTH CARE FRAUD
[18 U.S.C. §1349]

18) The preceding numbered paragraphs 1 through 17 of this Information are realleged and incorporated by reference as though fully set forth herein.

19) From on or about 10/27/2011, and continuing through on or about 3/14/2015, in the Southern District of Ohio, Defendants RIYAD ALTALLAA and MUNA ALNOUBANI did knowingly and willfully combine, conspire, confederate and agree with each other and others, both known and unknown to the United States Attorney, to violate 18 U.S.C. §1347, that is, to execute a scheme to defraud a health care benefit program as defined in 18 U.S.C. §24(b), that is Medicaid, in connection with the delivery or payment for health care benefits, items or services.

Purpose of the Conspiracy

20) It was the purpose of the conspiracy for Defendants RIYAD ALTALLAA and MUNA ALNOUBANI and co-conspirators, to perpetuate a health care fraud scheme and to unlawfully enrich themselves by billing, or causing bills to be submitted, for 1) home health care services that were never rendered; 2) home health care services that were provided by

unqualified home health care aides and 3) inflating and misrepresenting the hours of home health services provided.

Manner and Means

21) It was part of the conspiracy that Defendants RIYAD ALTALLAA and MUNA ALNOUBANI and co-conspirators would fabricate aides' previous work histories to give the appearance that the aides were qualified to provide home health care services when, in fact, the aides did not have the required work experience and never received adequate training.

22) It was further part of the conspiracy that Defendants RIYAD ALTALLAA and MUNA ALNOUBANI, or co-conspirators at the direction and under the supervision of Defendants RIYAD ALTALLAA and MUNA ALNOUBANI, would bill health care benefit programs knowing that aides were unqualified to provide home health care services.

23) It was further part of the conspiracy that Defendant RIYAD ALTALLAA and MUNA ALNOUBANI, or co-conspirators at the direction and under the supervision of Defendants RIYAD ALTALLAA and MUNA ALNOUBANI, would routinely submit claims to Medicaid for payment of aides services which falsely inflated the number of hours that home health aides and nurses were providing home health care services.

24) It was further part of the scheme that Defendant RIYAD ALTALLAA would instruct home health aides to split one continuous shift into multiple shifts, or instruct them to submit blank timesheets and nursing notes which were subsequently completed with false dates and hours of services to maximize reimbursement from Medicaid.

25) It was further part of the conspiracy that Defendants RIYAD ATLALLAA and MUNA ALNOUBANI, or co-conspirators at the direction and under the supervision of Defendants RIYAD ALTALLAA and MUNA ALNOUBANI, would bill Medicaid knowing that

it was illegal to bill for services exceeding the number of hours of services provided, for split-shifts when the services were provided in a continuous manner and for services provided by unqualified aides.

26) The total amount of fraudulent claims submitted or caused to be submitted by Defendant RIYAD ALTALLAA and MUNA ALNOUBANI to the Medicaid exceeded \$1,000,000.00.

All in violation of 18 U.S.C. §1349.

COUNT 2
MONEY LAUNDERING
[18 U.S.C. §1957(a)]

On or about December 5, 2014, in the Southern District of Ohio, Defendant RIYAD ALTALLAA did knowingly engage in a monetary transaction by, through or to a financial institution, to wit: Fifth Third Bank, affecting interstate or foreign commerce, in criminally derived property of a value greater than \$10,000, to wit: \$285,000 of U.S. currency, such property having been derived from a specified unlawful activity, to wit: health care fraud.

In violation of 18 U.S.C. §1957 and §2.

FORFEITURE A
[18 U.S.C. §982(a)(1)]

The allegations contained in Counts One and Two of the Information are realleged and by this reference fully incorporated herein for the purpose of alleging forfeitures to the United States of America pursuant to 18 U.S.C. §982(a)(1).

Upon conviction of any of the offenses alleged in Counts One or Two of the Information, Defendant RIYAD ALTALLAA shall forfeit to the United States, pursuant to 18 U.S.C. §982(a)(1), all property, real or personal, involved in the offenses as alleged in such counts, or any property traceable to such property, including but not limited to the following:

Real Property Known and Numbered as 8043 Patterson Road, Hilliard, Franklin County, Ohio, with all improvements, appurtenances, and attachments thereon, Record Owners: Riyad Altallaa and Muna Alnoubani, and legally described as:

Situated in the State of Ohio, County of Franklin and in the Township of Brown.

Being in Virginia Military Survey #2670, and being part of a 50.05 acre tract as conveyed in a deed to Harold & Mildred Schultz (as shown in O.R. 8970 I-19) and being more particularly described as follows:

Beginning for reference at a Franklin County Monument Box (Number 0061), located at an angle point on the North line of said 50.04 acre tract;

thence with the centerline of Patterson Road, North 50 degrees 45' 00" East, a distance of 153.82 feet to a survey nail (set), and being the True place of Beginning;

thence continuing with the centerline of Patterson Road, North 54 degrees 45' 00" East, a distance of 216.00 feet to a survey nail (set);

thence with a new line crossing said 50.04 acre tract, South 37 degrees 01' 05" East a distance of 1068.53 feet passing an iron pipe (set) at 25.00 feet to an iron pipe (set);

thence with the south line of said 50.04 acre tract, also being the northerly line of a 10.285 acre tract, as conveyed in a deed to Slyvia & A. Sandoll Andromeda (as shown in O.R. 28028 B-09), and being the north line of an 8.559 acre tract, as conveyed in a deed to Christopher and Krysten Italiano (as shown in O.R. 30273 D-13), South 53 degrees 47' 49" West a distance of 216.00 feet, passing a 3/4" iron pipe (set);

thence with a new line crossing said 50.04 acre tract, North 37 degrees 00' 49" West, a distance of 1072.12 feet, passing an iron pipe (set) at 1052.12 feet, to the True Place of Beginning containing 5.306 acres.

Subject, however, to any and all legal easements and right-of-ways of record. This description is based on an actual survey completed in November 1997 by the Harmon Surveying Company. Bearings are based on the Centerline of Patterson Road as being North 54 degrees 45' 00" East as shown on a Plat for Archibald Patterson (dated June 1886). This is the bearing used for the Northerly portion of the 50.04 acre tract, there is an angle point in the centerline of Patterson Road at an existing Franklin County Monument (No. 0061). All iron pipes that are set are 30" in length x 3/4" O.D. with a yellow plastic cap marked "HARMON PS7659P". All deed references are recorded with the Franklin County Recorders Office.

Parcel No: 120-001088
Commonly known as: 8043 Patterson Road, Hilliard, OH 43026
Instrument Reference: Instrument Number 201210100152112 of the Deed
Records of Franklin County, Ohio.

In accordance with 18 U.S.C. §982(a)(1) and Rule 32.2 of the Federal Rules of Criminal Procedure.

FORFEITURE B

[18 U.S.C. §982(a)(7) and 18 U.S.C. §981(a)(1)(C) and 28 U.S.C. §2461(c)]

The allegations contained in Count One of the Information are realleged and by this reference fully incorporated herein for the purpose of alleging to the United States of America pursuant to 18 U.S.C. §982(a)(7) and 18 U.S.C. §981(a)(1)(C) and 28 U.S.C. §2461(c).

Upon conviction of any of the offenses alleged in Count One of the Information, Defendants RIYAD ALTALLAA and MUNA ALNOUBANI shall forfeit to the United States, pursuant to 18 U.S.C. §982(a)(7) and 18 U.S.C. §981(a)(1)(C) and 28 U.S.C. §2461(c), any property, real or personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the offenses alleged in Count One of the Information, including but not limited to the following property, which represents the proceeds traceable to the commission of the offenses as alleged in Count One of the Information:

Real Property Known and Numbered as 8043 Patterson Road, Hilliard, Franklin County, Ohio, with all improvements, appurtenances, and attachments thereon, Record Owners: Riyad Altallaa and Muna Alnoubani, and legally described as:

Situated in the State of Ohio, County of Franklin and in the Township of Brown.

Being in Virginia Military Survey #2670, and being part of a 50.05 acre tract as conveyed in a deed to Harold & Mildred Schultz (as shown in O.R. 8970 I-19) and being more particularly described as follows:

Beginning for reference at a Franklin County Monument Box (Number 0061), located at an angle point on the North line of said 50.04 acre tract;

thence with the centerline of Patterson Road, North 50 degrees 45' 00" East, a distance of 153.82 feet to a survey nail (set), and being the True place of Beginning;

thence continuing with the centerline of Patterson Road, North 54 degrees 45' 00" East, a distance of 216.00 feet to a survey nail (set);

thence with a new line crossing said 50.04 acre tract, South 37 degrees 01' 05" East a distance of 1068.53 feet passing an iron pipe (set) at 25.00 feet to an iron pipe (set);

thence with the south line of said 50.04 acre tract, also being the northerly line of a 10.285 acre tract, as conveyed in a deed to Slyvia & A. Sandoll Andromeda (as shown in O.R. 28028 B-09), and being the north line of an 8.559 acre tract, as conveyed in a deed to Christopher and Krysten Italiano (as shown in O.R. 30273 D-13), South 53 degrees 47' 49" West a distance of 216.00 feet, passing a 3/4" iron pipe (set);

thence with a new line crossing said 50.04 acre tract, North 37 degrees 00' 49" West, a distance of 1072.12 feet, passing an iron pipe (set) at 1052.12 feet, to the True Place of Beginning containing 5.306 acres.

Subject, however, to any and all legal easements and right-of-ways of record. This description is based on an actual survey completed in November 1997 by the Harmon Surveying Company. Bearings are based on the Centerline of Patterson Road as being North 54 degrees 45' 00" East as shown on a Plat for Archibald Patterson (dated June 1886). This is the bearing used for the Northerly portion of the 50.04 acre tract, there is an angle point in the centerline of Patterson Road at an existing Franklin County Monument (No. 0061). All iron pipes that are set are 30" in length x 3/4" O.D. with a yellow plastic cap marked "HARMON PS7659P. All deed references are recorded with the Franklin County Recorders Office.

Parcel No: 120-001088

Commonly known as: 8043 Patterson Road, Hilliard, OH 43026

Instrument Reference: Instrument Number 201210100152112 of the Deed Records of Franklin County, Ohio.

Substitute Assets

If any of the forfeitable property described above in Forfeiture B, as a result of any act or omission of the Defendants, RIYAD ALTALLAA and MUNA ALNOUBANI,

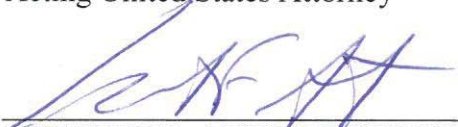
- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with a third party;

- (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;

it is the intent of the United States, pursuant to 21 U.S.C. §853(p) as incorporated by 18 U.S.C. §982(b)(1), to seek forfeiture of any other property of the Defendants, RIYAD ALTALLAA and MUNA ALNOUBANI, up to the value of the above described forfeitable property.

In accordance with 18 U.S.C. §982(a)(7), 18 U.S.C. §981(a)(1)(C) and 28 U.S.C. §2461(c), and Rule 32.2 of the Federal Rules of Criminal Procedure.

BENJAMIN C. GLASSMAN
Acting United States Attorney



KENNETH F. AFFELDT (002128)
Assistant United States Attorney