

EC

JUDGE SHAH

**INTAKE**

EC JUN 22 2018

**MAGISTRATE JUDGE SCHENKIER**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA

)

No.

**18CR 385**

v.

)

Violations: Title 18, United States

)

Code, Sections 1347 and 1035(a)(2)

FLORENTINO LEONG

)

COUNT ONE

**RECEIVED**

The SPECIAL DECEMBER 2017 GRAND JURY charges:

**JUN 21 2018**

1. At times material to this Indictment:

**MICHAEL T. MASON  
UNITED STATES MAGISTRATE JUDGE  
UNITED STATES DISTRICT COURT**

a. Medicare was a Federal health care benefit program, as defined in Title 18,

United States Code, Section 24(b), that provided free or below-cost health care benefits, including, among other things, medically necessary in-home health care services to certain individuals ("Medicare beneficiaries").

b. Home health agencies located in the Northern District of Illinois, including Home Health Agencies A through C, were in the business of providing home health care services to Medicare beneficiaries. These agencies were enrolled providers of Medicare services to Medicare beneficiaries. As enrolled providers, these agencies submitted claims to Medicare and received reimbursement for such services.

c. For a Medicare beneficiary to be eligible to receive skilled-nursing services paid for by Medicare, a physician was required to first approve the beneficiary's plan of care, and to certify on a Home Health Certification and Plan of Treatment, sometimes referred to as a Form 485, that the beneficiary was confined to his or her home, was under the physician's care, and needed the services authorized on the Form 485.

**FILED**

EC JUN 21 2018

**THOMAS G. BRUTON  
CLERK, U.S. DISTRICT COURT**

d. Defendant FLORENTINO LEONG was a physician who was licensed in Illinois and was an enrolled provider of medical services to Medicare beneficiaries. LEONG certified Medicare beneficiaries to qualify for in-home services for which home health agencies billed Medicare.

2. Beginning in 2009 and continuing through December 2017, in the Northern District of Illinois, Eastern Division, and elsewhere,

FLORENTINO LEONG,

defendant herein, and others, participated in a scheme to defraud a health care benefit program, namely 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 a health care benefit program, in connection with the delivery of and payment for health care benefits and services, which scheme is further described below.

3. It was part of the scheme that defendant LEONG signed Form 485s in which he falsely certified certain Medicare beneficiaries, including Beneficiary GW, Beneficiary AM, Beneficiary SP, Beneficiary JF, and Beneficiary WT, as being confined to the home and needing skilled nursing services, knowing that such beneficiaries were not confined to their homes and did not require skilled nursing services.

4. It was further part of the scheme that, as a result of the false Form 485s executed by defendant LEONG, LEONG and others fraudulently submitted, and caused to be submitted, false claims to Medicare that falsely represented that Medicare beneficiaries including Beneficiary GW, Beneficiary AM, Beneficiary SP, Beneficiary JF, and Beneficiary WT, received in-home health care services that they qualified for and needed, including skilled nursing services and physician oversight of such services.

5. It was further part of the scheme that defendant LEONG did misrepresent, conceal and hide, and cause to be misrepresented, concealed and hidden, the acts done and the purposes of acts done in furtherance of the scheme.

6. As a result of the scheme, defendant LEONG, and others, fraudulently obtained, and caused others to fraudulently obtain, and converted to their own use payments made by Medicare on the claims submitted by the companies that LEONG worked for and by multiple home health agencies.

7. On or about March 31, 2016, in the Northern District of Illinois, Eastern Division, and elsewhere,

FLORENTINO LEONG,

defendant herein, and others, knowingly and willfully executed and attempted to execute the above-described scheme by submitting and causing to be submitted a claim to a health care benefit program, namely Medicare, specifically a claim for skilled nursing services provided by Home Health Agency A to Beneficiary GW from on or about January 27, 2016 through on or about March 26, 2016, that did not qualify for payment because Beneficiary GW was not confined to the home and the services were not medically necessary;

In violation of Title 18, United States Code, Section 1347.

**COUNT TWO**

The SPECIAL DECEMBER 2017 GRAND JURY further charges:

1. Paragraphs 1 through 6 of Count One are incorporated here.
2. On or about April 19, 2016, in the Northern District of Illinois, Eastern Division, and elsewhere,

FLORENTINO LEONG,

defendant herein, and others, knowingly and willfully executed and attempted to execute the above-described scheme by submitting and causing to be submitted a claim to a health care benefit program, namely Medicare, specifically a claim for skilled nursing services provided by Home Health Agency B to Beneficiary AM from on or about February 8, 2016 through on or about April 7, 2016, that did not qualify for payment because Beneficiary AM was not confined to the home and the services were not medically necessary;

In violation of Title 18, United States Code, Section 1347.

**COUNT THREE**

The SPECIAL DECEMBER 2017 GRAND JURY further charges:

1. Paragraphs 1 through 6 of Count One are incorporated here.
2. On or about September 7, 2016, in the Northern District of Illinois, Eastern Division, and elsewhere,

FLORENTINO LEONG,

defendant herein, and others, knowingly and willfully executed and attempted to execute the above-described scheme by submitting and causing to be submitted a claim to a health care benefit program, namely Medicare, specifically a claim for skilled nursing services provided by Home Health Agency A to Beneficiary SP from on or about July 4, 2016 through on or about August 30, 2016, that did not qualify for payment because Beneficiary SP was not confined to the home and the services were not medically necessary;

In violation of Title 18, United States Code, Section 1347.

**COUNT FOUR**

The SPECIAL DECEMBER 2017 GRAND JURY further charges:

1. Paragraphs 1 through 6 of Count One are incorporated here.
2. On or about November 23, 2016, in the Northern District of Illinois, Eastern Division, and elsewhere,

FLORENTINO LEONG,

defendant herein, and others, knowingly and willfully executed and attempted to execute the above-described scheme by submitting and causing to be submitted a claim to a health care benefit program, namely Medicare, specifically a claim for skilled nursing services provided by Home Health Agency A to Beneficiary JF from on or about September 26, 2016 through on or about November 23, 2016, that did not qualify for payment because Beneficiary JF was not confined to the home and the services were not medically necessary;

In violation of Title 18, United States Code, Section 1347.

**COUNT FIVE**

The SPECIAL DECEMBER 2017 GRAND JURY further charges:

1. Paragraphs 1 through 6 of Count One are incorporated here.
2. On or about June 8, 2017, in the Northern District of Illinois, Eastern Division, and elsewhere,

FLORENTINO LEONG,

defendant herein, and others, knowingly and willfully executed and attempted to execute the above-described scheme by submitting and causing to be submitted a claim to a health care benefit program, namely Medicare, specifically a claim for skilled nursing services provided by Home Health Agency C to Beneficiary WT from on or about March 29, 2017 through on or about May 27, 2017, that did not qualify for payment because Beneficiary WT was not confined to the home and the services were not medically necessary;

In violation of Title 18, United States Code, Section 1347.

**COUNT SIX**

The SPECIAL DECEMBER 2017 GRAND JURY further charges:

1. Paragraph 1 of Count One is incorporated here.
2. On or about January 25, 2016, in the Northern District of Illinois, Eastern Division, and elsewhere,

FLORENTINO LEONG,

defendant herein, knowingly and willfully made and caused to be made a materially false, fictitious, and fraudulent statement and representation, and made and caused to be made a materially false writing and document, knowing the same to contain a materially false, fictitious, and fraudulent statement and representation, in a matter involving a health care benefit program in connection with the payment for health care benefits and services, namely, statements on a face to face encounter form that Beneficiary GW was confined to the home and needed skilled nursing services;

In violation of Title 18, United States Code, Section 1035(a)(2).



**COUNT SEVEN**

The SPECIAL DECEMBER 2017 GRAND JURY further charges:

1. Paragraph 1 of Count One is incorporated here.
2. On or about March 21, 2016, in the Northern District of Illinois, Eastern Division, and elsewhere,

FLORENTINO LEONG,

defendant herein, knowingly and willfully made and caused to be made a materially false, fictitious, and fraudulent statement and representation, and made and caused to be made a materially false writing and document, knowing the same to contain a materially false, fictitious, and fraudulent statement and representation, in a matter involving a health care benefit program in connection with the payment for health care benefits and services, namely, statements on a face to face encounter form that Beneficiary AM was confined to the home and needed skilled nursing services;

In violation of Title 18, United States Code, Section 1035(a)(2).

**COUNT EIGHT**

The SPECIAL DECEMBER 2017 GRAND JURY further charges:

1. Paragraph 1 of Count One is incorporated here.
2. On or about July 5, 2016, in the Northern District of Illinois, Eastern Division, and elsewhere,

FLORENTINO LEONG,

defendant herein, knowingly and willfully made and caused to be made a materially false, fictitious, and fraudulent statement and representation, and made and caused to be made a materially false writing and document, knowing the same to contain a materially false, fictitious, and fraudulent statement and representation, in a matter involving a health care benefit program in connection with the payment for health care benefits and services, namely, statements on a face to face encounter form that Beneficiary SP was confined to the home and needed skilled nursing services;

In violation of Title 18, United States Code, Section 1035(a)(2).

**COUNT NINE**

The SPECIAL DECEMBER 2017 GRAND JURY further charges:

1. Paragraph 1 of Count One is incorporated here.
2. On or about September 14, 2016, in the Northern District of Illinois, Eastern Division, and elsewhere,

FLORENTINO LEONG,

defendant herein, knowingly and willfully made and caused to be made a materially false, fictitious, and fraudulent statement and representation, and made and caused to be made a materially false writing and document, knowing the same to contain a materially false, fictitious, and fraudulent statement and representation, in a matter involving a health care benefit program in connection with the payment for health care benefits and services, namely, statements on a face to face encounter form that Beneficiary JF was confined to the home and needed skilled nursing services;

In violation of Title 18, United States Code, Section 1035(a)(2).

**COUNT TEN**

The SPECIAL DECEMBER 2017 GRAND JURY further charges:

1. Paragraph 1 of Count One is incorporated here.
2. On or about March 3, 2017, in the Northern District of Illinois, Eastern Division, and elsewhere,

FLORENTINO LEONG,

defendant herein, knowingly and willfully made and caused to be made a materially false, fictitious, and fraudulent statement and representation, and made and caused to be made a materially false writing and document, knowing the same to contain a materially false, fictitious, and fraudulent statement and representation, in a matter involving a health care benefit program in connection with the payment for health care benefits and services, namely, statements on a face to face encounter form that Beneficiary WT was confined to the home and needed skilled nursing services;

In violation of Title 18, United States Code, Section 1035(a)(2).

A TRUE BILL:

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FOREPERSON

\_\_\_\_\_  
UNITED STATES ATTORNEY