

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No. **16-20477** CR-SCOLA **MOTAZO-REYES**

18 U.S.C. § 371  
42 U.S.C. § 1320a-7b(b)(2)(A)  
18 U.S.C. § 2  
18 U.S.C. § 982(a)(7)

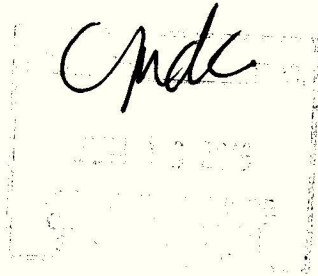
UNITED STATES OF AMERICA

vs.

GABRIELA RAURELL-GOMEZ and  
MARISELA ARREAZA,

Defendants.

\_\_\_\_\_ /



**INDICTMENT**

The Grand Jury charges that:

**GENERAL ALLEGATIONS**

At all times material to this Indictment:

**The Medicaid Program**

1. The Florida Medicaid Program (“Medicaid”) is a federal and state government program that pays for medical care for people who meet specific technical, income and asset criteria. The federal government sets guidelines for services and pays part of the cost. Each state designs and operates its own Medicaid program based on federal and state guidelines. Medicaid was administered by the Centers for Medicare and Medicaid Services (“CMS”) and the State of Florida Agency for Health Care Administration (“AHCA”).

2. Low income families, children, aged, and disabled adults who meet specific eligibility requirements such as citizenship or resident alien status, Florida residency, and income and asset criteria, can be eligible for Medicaid.

3. Individuals who receive benefits under Medicaid are referred to as Medicaid “beneficiaries.”

4. Medicaid is a “health care benefit program,” as defined by Title 18, United States Code, Section 24(b).

5. Florida Medicaid has a contract with HP Enterprise Services (“HPE”), which serves as the state’s fiscal agent. HPE’s duties include enrolling non-institutional providers, processing Medicaid claims, serving as the enrollment broker for Medicaid recipients, and distributing Medicaid forms and publications.

6. Only health care providers that meet the conditions of participation and eligibility requirements and are enrolled in Medicaid may provide and be reimbursed for rendering Medicaid-covered services.

7. To receive Medicaid reimbursement, a provider must be enrolled in Medicaid and meet all provider requirements at the time the service is rendered. Any entity that bills Medicaid for Medicaid-compensable services provided to Medicaid recipients or that provides billing services of any kind to Medicaid providers must enroll as a Medicaid provider.

### **Community Behavioral Health**

8. Medicaid covers certain Community Support and Rehabilitative Services, including psychosocial rehabilitation. These services encompass rehabilitation-focused, community-based psychosocial services. Community support and rehabilitative services are designed to assist

recipients in strengthening or regaining interpersonal skills and in developing the environmental supports necessary to function in their community.

9. Community support and rehabilitative services are appropriate for recipients exhibiting psychiatric, behavioral or cognitive symptoms, addictive behavior, or clinical conditions of sufficient severity to bring about significant impairment in day-to-day personal, social, prevocational, and educational functioning.

10. Psychosocial rehabilitation services are intended to restore a recipient's skills and abilities essential for independent living.

**The Defendants, Co-Conspirator, and Related Companies**

11. D&D Psych, Inc. ("D&D Psych") was incorporated on or about April 28, 2005, with its principal place of business in Miami-Dade County, in the Southern District of Florida.

12. B&B Psych, Inc. ("B&B Psych") was incorporated on or about October 11, 2011, with its principal place of business in Miami-Dade County, in the Southern District of Florida.

13. Defendant **MARISELA ARREAZA**, a resident of Miami-Dade County, was the Registered Agent, President, Treasurer and Director of D&D Psych. She was also a director of B&B Psych.

14. Defendant **GABRIELA MARIA RAURELL-GOMEZ**, a resident of Broward County, was the Vice President, Secretary and a Director of D&D Psych. She was also a director of B&B Psych.

15. Co-conspirator A is a resident of Miami-Dade County.

**COUNT 1**  
**Conspiracy to Pay Health Care Kickbacks**  
**(18 U.S.C. § 371)**

1. Paragraphs 1 through 15 of the General Allegations section of this Indictment are re-alleged and incorporated by reference as though fully set forth herein.

2. From in or around August of 2010, and continuing through in or around December of 2014, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

**GABRIELA RAURELL-GOMEZ**  
**and**  
**MARISELA ARREAZA,**

did willfully, that is, with the intent to further the object of the conspiracy, and knowingly combine, conspire, confederate and agree with each other and others known and unknown to the Grand Jury, including Co-conspirator A, 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 any remuneration, including kickbacks and bribes, directly and indirectly, overtly and covertly, in cash and in kind, to a person to induce such person to refer an individual to a person for the furnishing and arranging for the furnishing of any item and service for which payment may be made in whole and in part by a Federal health care program, that is, Medicaid.

**PURPOSE OF THE CONSPIRACY**

3. It was the purpose of the conspiracy for the defendants and their co-conspirators to unlawfully enrich themselves by: (1) offering and paying kickbacks and bribes to Medicaid beneficiaries in return for their service as patients at D&D Psych; and (2) submitting and causing the submission of claims to Medicaid for psychiatric services that D&D Psych purportedly provided to the beneficiaries.



**MANNER AND MEANS OF THE CONSPIRACY**

The manner and means by which the defendants and their co-conspirators sought to accomplish the object and purpose of the conspiracy included, among others, the following:

4. **GABRIELA RAURELL-GOMEZ** and **MARISELA ARREAZA** paid kickbacks and bribes to Medicaid beneficiaries to serve as patients at D&D Psych.

5. **GABRIELA RAURELL-GOMEZ** and **MARISELA ARREAZA** paid such kickbacks by delivering cash or checks to Co-conspirator A, who, in turn, was instructed to pay kickbacks to Medicaid beneficiaries.

6. **GABRIELA RAURELL-GOMEZ, MARISELA ARREAZA,** and their co-conspirators caused D&D Psych to submit claims to Medicaid for psychiatric services purportedly provided to Medicaid beneficiaries.

7. As a result of these claims resulting from kickbacks, Medicaid made payments to D&D Psych.

**OVERT ACTS**

In furtherance of the conspiracy, and to accomplish its object 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 June 4, 2012, **GABRIELA RAURELL-GOMEZ** signed B&B Psych check number 361 in the approximate amount of \$10,367, made out to Co-conspirator A.

2. On or about August 1, 2013, **MARISELA ARREAZA** signed B&B Psych check number 977 in the approximate amount of \$9,000, made out to Co-conspirator A.

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

**COUNTS 2 - 3**

**Payment of Kickbacks in Connection with a Federal Health Care Program  
(42 U.S.C. § 1320a-7b(b)(2)(A))**

1. Paragraphs 1 through 15 of the General Allegations section of this Indictment are re-alleged and incorporated by reference as though fully set forth herein.

2. On or about the dates enumerated below, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

**GABRIELA RAURELL-GOMEZ and  
MARISELA ARREAZA,**

did knowingly and willfully offer and pay remuneration, including kickbacks and bribes, directly and indirectly, overtly and covertly, in cash and in kind, including by check, as set forth below, to a person to induce such person to refer an individual to a person for the furnishing and arranging for the furnishing of any item and service for which payment may be made in whole and in part under a Federal health care program, that is, Medicare, as set forth below:

Count	Defendant	Approximate Date	Approximate Kickback Amount
2	<b>GABRIELA RAURELL-GOMEZ</b>	June 4, 2012	\$10,367
3	<b>MARISELA ARREAZA</b>	August 1, 2013	\$9,000

In violation of Title 42, United States Code, Section 1320a-7b(b)(2)(A), and Title 18, United States Code, Section 2.

**FORFEITURE  
(18 U.S.C. § 982(a)(7))**

1. The allegations contained in this Indictment are re-alleged and incorporated by reference as though fully set forth herein for the purpose of alleging forfeiture to the United States of America of certain property in which each defendant, **GABRIELA RAURELL-GOMEZ** and **MARISELA ARREAZA**, has an interest.


2. Upon conviction of a violation of Title 18, United States Code, Section 371, or Title 42, United States Code, Section 1320a-7b(b), as alleged in this Indictment, each defendant shall forfeit to the United States any property, real or personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of the offense pursuant to Title 18, United States Code, Section 982(a)(7).

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

A TRUE BILL

  
FOREPERSON

ANDREW WEISSMAN  
CHIEF  
CRIMINAL DIVISION, FRAUD SECTION  
U.S. DEPARTMENT OF JUSTICE

  
KATHERINE PAYERLE  
TRIAL ATTORNEY  
CRIMINAL DIVISION, FRAUD SECTION  
U.S. DEPARTMENT OF JUSTICE  
Attorney for the United States, Acting  
Under Authority Conferred by 28 U.S.C. § 515

UNITED STATES OF AMERICA

CASE NO. \_\_\_\_\_

vs.

**CERTIFICATE OF TRIAL ATTORNEY\***

**GABRIELA RAURELL-GOMEZ and  
 MARISELA ARREAZA,**  
 Defendants.  
 \_\_\_\_\_/

**Superseding Case Information:**

**Court Division:** (Select One)

X  Miami      Key West  
     FTL      WPB      FTP

New Defendant(s) Yes      No       
 Number of New Defendants       
 Total number of counts    

I do hereby certify that:

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  5  days for the parties to try.
5. Please check appropriate category and type of offense listed below:

<p>(Check only one)</p> <p>I 0 to 5 days <u> X </u></p> <p>II 6 to 10 days <u>    </u></p> <p>II 11 to 20 days <u>    </u></p> <p>IV 21 to 60 days <u>    </u></p> <p>V: 61 days and over <u>    </u></p>	<p>(Check only one)</p> <p>Petty <u>    </u></p> <p>Minor <u>    </u></p> <p>Misdem. <u>    </u></p> <p>Felony <u> X </u></p>
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6. Has this case been previously 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 Northern Region of the U.S. Attorney's Office prior to October 14, 2003?      Yes  X  No
8. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to September 1, 2007?      Yes  X  No

  
 \_\_\_\_\_  
 KATHERINE PAYERLE  
 DOJ TRIAL ATTORNEY  
 Court No. A5502190

\*Penalty Sheet(s) attached



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

**Defendant's Name:** GABRIELA RAURELL-GOMEZ

**Case No:** \_\_\_\_\_

Count #: 1

18 U.S.C. § 371

Conspiracy to Pay Health Care Kickbacks

**\*Max Penalty:** Five (5) years imprisonment.

Count #: 2

42 U.S.C. § 1320a-7b(b)(2)(A)

Payment of Kickbacks in Connection with a Federal Health Care Program

**\*Max Penalty:** Five (5) years' imprisonment.

Count #:  
\_\_\_\_\_  
\_\_\_\_\_

**\*Max Penalty:** \_\_\_\_\_

**\*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**

PENALTY SHEET

**Defendant's Name:** MARISELA ARREAZA

**Case No:** \_\_\_\_\_

Count #: 1

18 U.S.C. § 371

Conspiracy to Pay Health Care Kickbacks

**\*Max Penalty:** Five (5) years' imprisonment.

Count #: 3

42 U.S.C. § 1320a-7b(b)(2)(A)

Payment of Kickbacks in Connection with a Federal Health Care Program

**\*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.**