

Jun 13, 2016

STEVEN M. LARIMORE  
CLERK U.S. DIST. CT.  
S.D. OF FLA. - MIAMIUNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**16-20443-CR-ALTONAGA/O'SULLIVAN**

Case No. \_\_\_\_\_

18 U.S.C. § 1349

18 U.S.C. § 982(a)(7)

UNITED STATES OF AMERICA

vs.

CARIDAD TURNER,

**Defendant.**INFORMATION

The United States Attorney charges that:

GENERAL ALLEGATIONS

At all times relevant to this Information:

The Health Insurance Programs

1. The Medicare Program ("Medicare") was a federal health care program providing benefits to persons who were 65 or older or disabled.
2. 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 1320-7b(f).
3. Medicare was administered by the United States Department of Health and Human Services ("HHS") through its agency, the Centers for Medicare & Medicaid Services ("CMS"). Individuals who received benefits under Medicare were referred to as Medicare "beneficiaries."
4. Part B of Medicare covered partial hospitalization programs ("PHPs") connected

with the treatment of mental illness. The treatment program of PHPs closely resembled that of a highly-structured, short-term hospital inpatient program, but it was a distinct and organized intensive treatment program that offered less than 24-hour daily care and was designed, in part, to reduce medical costs by treating qualifying individuals outside the hospital setting.

5. Under the PHP benefit, Medicare covered the following services: (1) individual and group therapy with physicians or psychologists (or other authorize mental health professionals); (2) occupational therapy; (3) services for social workers, trained psychiatric nurses, and other staff trained to work with psychiatric patients; (4) drugs and biologicals furnished for therapeutic purposes that cannot be self-administered; (5) individualized activity therapies that are not primarily recreational or diversionary; (6) family counseling (for treatment of the patient's condition); (7) patient training and education; and (8) diagnostic services.

6. Medicare generally required that PHP be provided at a facility that was hospital-based or hospital-affiliated, but Medicare also allowed PHP to be provided in a Community Mental Health Center ("CMHC"), which was a provider under Medicare Part A.

7. In order to qualify for the PHP benefit, Medicare required that the services must be reasonable and necessary for the diagnosis and active treatment of the individual's condition. The program also must have been reasonably expected to improve or maintain the condition and functional level of the patient and to prevent relapse or hospitalization. The program must have been prescribed by a physician and furnished under the general supervision of a physician and under an established plan of treatment that met Medicare requirements.

8. Typically, a patient who needed this intensive PHP treatment had a long history of mental illness that had been previously treated. Patients were ordinarily referred either (a) by a hospital after full inpatient hospitalization for severe mental illness, or (b) by a doctor who was trying to prevent full inpatient hospitalization for a severely mentally ill patient the doctor had

previously been treating.

9. Medicare guidelines specifically excluded meals and transportation from coverage under the PHP benefit.

10. Medicare did not cover programs involving primarily social, recreational, or diversionary activities. Psychosocial programs that provided only a structured environment, socialization, or vocational rehabilitation were not covered by Medicare.

11. In order to receive payment from Medicare, a CMHC, medical clinic, or a physician was required to submit a health insurance claim form to Medicare, called a Form 1450. The claims may have been submitted in hard copy or electronically. A CMHC, medical clinic, and physician may have contracted with a billing company to transmit claims to Medicare on their behalf.

12. Medicare Part B was administered in Florida by First Coast Service Options, which, pursuant to contract with the United States Department of Health and Human Services, served as a contracted carrier to receive, adjudicate and pay Medicare Part B claims submitted to it by Medicare beneficiaries, physicians, or CMHCs. Medicare Part B paid CMHCs and physicians directly for the cost of PHP services furnished to eligible Medicare beneficiaries, provided that the services met Medicare requirements.

13. Florida Medicaid covered community mental health services, including PHP treatment.

14. An "Assisted Living Facility" or "ALF" was a facility licensed by the Florida Agency for Health Care Administration, whether operated for profit or not, which undertook through its ownership or management to provide housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who were not relatives of the owner or administrator.

**The Defendant, Related Entities and Associates**

15. Greater Miami Behavioral Healthcare Center, Inc. (“Greater Miami”), was a Florida corporation that purported to operate a CMHC in Miami, Florida at the following addresses: 5040 NW 7<sup>th</sup> Street, Miami, FL 33126 and 7000 NW 52<sup>nd</sup> Street, Miami, FL 33166.

16. HNB-Stell Care, Inc. (“HNB”) was a Florida corporation located at 2405 Riverlane Terrace, Ft. Lauderdale, FL 33312.

17. Dean Butler, a resident of Miami-Dade County, was the owner, Director and Administrator of Greater Miami, and a Director for HNB.

18. Nery Cowan, a resident of Miami-Dade County, was an Administrator and Director for Greater Miami, and President and Director of Nery Cowan Consulting Services, Inc. (“NCCS”), a corporation organized under the laws of the State of Florida.

19. Irina Mora, a resident of Miami-Dade County, was the Director of Finance for Greater Miami.

20. Defendant **CARIDAD TURNER**, a resident of Miami-Dade County, was the Director of Operations for the Greater Miami clinical department.

21. Alan Gumer, a resident of Broward County, was a psychiatrist for Greater Miami.

22. Michael Mendoza, a resident of Miami-Dade County, was the President of Network Resource Consultant, Inc. (“Network Resource”), a corporation organized under the laws of the State of Florida.

23. Ricardo Salgo, a resident of Miami-Dade County, was the President of Artel International Corp. (“Artel”), a corporation organized under the laws of the State of Florida.

24. Lazaro Martinez was a resident of Miami-Dade County.

**CONSPIRACY TO COMMIT HEALTH CARE FRAUD  
(18 U.S.C. §1349)**

From in or around September of 2006, and continuing through in or around June of 2012, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

**CARIDAD TURNER,**

did willfully, that is, with the intent to further the object of the conspiracy, and knowingly, combine, conspire, confederate, and agree with Dean Butler, Nery Cowan, Alan Gumer, Michael Mendoza, Ricardo Salgo, Lazaro Martinez, and others known and unknown to the United States Attorney, to violate Title 18, United States Code, Section 1347, that is, to execute a scheme and artifice to defraud a health care benefit program affecting commerce, as defined in Title 18, United States Code, Section 24(b), that is, Medicare, by means of materially false and fraudulent pretenses, representations, and promises, money and property owned by, and under the custody and control of, said health care benefit program, in connection with the delivery of and payment for health care benefits, items, and services.

**Purpose of the Conspiracy**

25. It was the purpose of the conspiracy for **CARIDAD TURNER** and her co-conspirators to unlawfully enrich themselves by, among other things: (a) submitting false and fraudulent claims to Medicare through Greater Miami and NCCS for claims based on bribes and kickbacks; (b) submitting false and fraudulent claims to Medicare through Greater Miami and NCCS for services that were medically unnecessary, that were not eligible for Medicare reimbursement, and that were never provided; (c) offering and paying kickbacks and bribes to individuals who referred Medicare beneficiaries to attend Greater Miami's PHP who were not eligible to receive such services under Medicare guidelines; and (d) concealing the submission of false and fraudulent claims to Medicare, the receipt and transfer of the proceeds from the fraud,

and the payment of kickbacks and bribes to patient brokers.

**Manner and Means of the Conspiracy**

The manner and means by which **CARIDAD TURNER** and her co-conspirators sought to accomplish the object and purpose of the conspiracy included, among other things:

26. In or around August of 2009, Dean Butler falsely certified to Medicare that Greater Miami would comply with all Medicare rules and regulations, including that Greater Miami would refrain from violating the federal Anti-Kickback statute.

27. Thereafter, **CARIDAD TURNER**, Dean Butler, Nery Cowan, Irina Mora, and others, devised and participated in a scheme to pay illegal kickbacks and bribes to co-conspirator patient brokers in return for referring Medicare beneficiaries to Greater Miami to serve as patients.

28. **CARIDAD TURNER**, Dean Butler, Nery Cowan, Irina Mora, and other co-conspirators falsified, fabricated, altered, and caused the falsification, fabrication, and alteration of Greater Miami medical records, including initial psychiatric evaluations, treatment plans, and other purported mental health records, to support claims for PHP services that were obtained through kickbacks and bribes, medically unnecessary, and were never provided at Greater Miami.

29. **CARIDAD TURNER** caused Greater Miami to submit claims that falsely and fraudulently represented that PHP services were medically necessary and actually provided to Medicare beneficiaries.

30. As a result of these false and fraudulent claims, Medicare made payments to Greater Miami.

All in violation of Title 18, United States Code, Section 1349.

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

31. The General Allegations section of this Information is re-alleged and incorporated by reference as though fully set forth herein for the purpose of alleging criminal forfeiture to the United States of America of certain property in which **CARIDAD TURNER** has an interest.

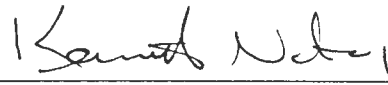
32. Upon conviction of Title 18, United States Code, Section 1349, as alleged in this Information, the defendant shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 982(a)(7), any property, real or personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of such violation.

33. The property which is subject to forfeiture includes, but is not limited to, the following:

- a. a sum of money equal in value to the property, real or personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the federal health care offense, as defined in Title 18, United States Code, Section 24, alleged in this Information; and
- b. Substitute Property: If any of the property described above, as a result of any act or omission of the defendant:
  - (1) cannot be located upon the exercise of due diligence;
  - (2) has been transferred or sold to, or deposited with, a third party;
  - (3) has been placed beyond the jurisdiction of the court;
  - (4) has been substantially diminished in value; or
  - (5) has been commingled with other property which cannot be divided without difficulty,

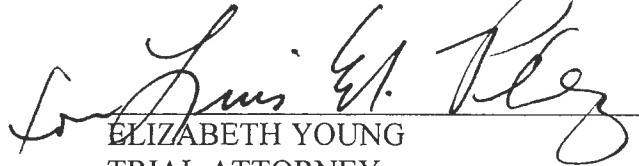
the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p).

All pursuant to Title 18, United States Code, Section 982(a)(7) and the procedures set forth at Title 21, United States Code, Section 853, as made applicable by Title 18, United States Code, Section 982(b).



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WIFREDO A. FERRER  
UNITED STATES ATTORNEY  
SOUTHERN DISTRICT OF FLORIDA



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ELIZABETH YOUNG  
TRIAL ATTORNEY  
CRIMINAL DIVISION, FRAUD SECTION  
U.S. DEPARTMENT OF JUSTICE



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

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

vs.

**CERTIFICATE OF TRIAL ATTORNEY\***

CARIDAD TURNER,

Defendant.

\_\_\_\_\_ /

**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:

- 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.
- 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.
- Interpreter: (Yes or No)  Yes   
List language and/or dialect  Spanish
- This case will take  0  days for the parties to try.
- Please check appropriate category and type of offense listed below:

(Check only one)		(Check only one)
I	0 to 5 days <u> X </u>	Petty <u> </u>
II	6 to 10 days <u> </u>	Minor <u> </u>
III	11 to 20 days <u> </u>	Misdem. <u> </u>
IV	21 to 60 days <u> </u>	Felony <u> X </u>
V:	61 days and over <u> </u>	

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

ELIZABETH YOUNG  
ASSISTANT UNITED STATES ATTORNEY  
Court No. A5501858

\*Penalty Sheet(s) attached