

FILED BY _____ D.C.

STEVEN M. LARIMORE
CLERK U.S. DIST. CT.
S.D. OF FLA. - MIAMI

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No.

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

UNITED STATES OF AMERICA

vs.

**REIDY GONZALEZ and
YELINA ISABEL GONZALEZ,**

Defendants.

_____/

INFORMATION

The United States Attorney charges that:

GENERAL ALLEGATIONS

At all times material to this Information:

The Medicare Program

1. The Medicare Program (“Medicare”) was a federally funded program that provided free or below-cost health care benefits to certain individuals, primarily the elderly, blind, and disabled. The benefits available under Medicare were governed by federal statutes and regulations. The United States Department of Health and Human Services (“HHS”), through its agency, the Centers for Medicare and Medicaid Services (“CMS”), oversaw and administered Medicare. Individuals who received benefits under Medicare were commonly referred to as Medicare “beneficiaries.”

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 programs covering different types of benefits were separated into different program “parts.” “Part A” of the Medicare program covered certain eligible home health care costs for medical services provided by a home health agency (“HHA”), also referred to as a “provider,” to persons who already qualified for Medicare and who additionally required home health services because of an illness or disability that caused them to be homebound. Payments for home health care medical services were typically made directly to a Medicare-certified HHA or provider based on claims submitted to the Medicare program for qualifying services that had been provided to eligible beneficiaries.

4. CMS did not directly pay Medicare Part A claims submitted by Medicare-certified HHAs. CMS contracted with different private companies to administer the Medicare Part A program throughout different parts of the United States. In the State of Florida, CMS contracted with Palmetto Government Benefits Administrators (“Palmetto”). As administrator, Palmetto was to receive, adjudicate and pay claims submitted by HHA providers under the Part A program for home health claims. Additionally, CMS separately contracted with companies in order to review HHA providers’ claims data. CMS first contracted with TriCenturion, a Program Safeguard Contractor. Subsequently, on December 15, 2008, CMS contracted with SafeGuard Services, a Zone Program Integrity Contractor. Both TriCenturion and SafeGuard Services safeguarded the Medicare Trust Fund by reviewing HHA providers’ claims for potential fraud, waste, and/or abuse.

Part A Coverage and Regulations

Reimbursements

5. The Medicare Part A program reimbursed 100% of the allowable charges for participating HHAs providing home health care services only if the patient qualified for home health benefits. A patient qualified for home health benefits only if the patient:

- a. was confined to the home, also referred to as homebound;
- b. was under the care of a physician who specifically determined there was a need for home health care and established the Plan of Care (“P.O.C.”); and
- c. the determining physician signed a certification statement specifying that the beneficiary needed intermittent skilled nursing, physical therapy, speech therapy, or a continued need for occupational therapy; the beneficiary was confined to the home; that a POC for furnishing services was established and periodically reviewed; and that the services were furnished while the beneficiary was under the care of the physician who established the P.O.C.

Record Keeping Requirements

6. Medicare Part A regulations required HHAs providing services to Medicare patients to maintain complete and accurate medical records reflecting the medical assessment and diagnoses of their patients, as well as records documenting the actual treatment of patients to whom services were provided and for whom claims for reimbursement were submitted by the HHA. These medical records were required to be sufficiently complete to permit Medicare, through Palmetto and other contractors, to review the appropriateness of Medicare payments made to the HHA under the Part A program.

7. Among the written records required to document the appropriateness of home health care claims submitted under Part A of Medicare were a: (i) P.O.C. that included the physician order, diagnoses, types of services/frequency of visits, prognosis/rehab potential, functional limitations/activities permitted, medications/treatments/nutritional requirements, safety measures/discharge plans, goals, and the physician’s signature; and (ii) a signed certification statement by an attending physician certifying that the patient was confined to his or her home and was in need of the planned home health services.

8. Additionally, Medicare Part A regulations required HHAs to maintain medical records of every visit made by a nurse, therapist, or home health aide to a patient. The record of a nurse's visit was required to describe, among other things, any significant observed signs or symptoms, any treatment and drugs administered, any reactions by the patient, any teaching and the understanding of the patient, and any changes in the patient's physical or emotional condition. The home health aide was required to document the hands-on personal care provided to the beneficiary as the services were deemed necessary to maintain the beneficiary's health or to facilitate treatment of the beneficiary's primary illness or injury. These written medical records were generally created and maintained in the form of "skilled nursing progress notes" and "home health aide notes/observations."

9. Medicare regulations allowed Medicare certified HHAs to subcontract home health care services to nursing companies, therapy staffing services agencies, registries, or groups (nursing groups), which would bill the certified home health agency. The Medicare certified HHA would, in turn, bill Medicare for all services rendered to the patient. The HHA's professional supervision over subcontracted-for services required the same quality controls and supervision as of its own salaried employees.

The Defendants, a Related Entity and a Co-Conspirator

10. Dade-Kendall Home Healthcare Services, Inc. ("Dade-Kendall") was a Florida corporation that did business in Miami-Dade County, Florida, as a home health agency. Dade-Kendall was located at 14331 SW 120 Street, Suite 209, Miami, Florida 33186.

11. Defendant **REIDY GONZALEZ**, a resident of Miami-Dade County, was an owner of Dade-Kendall.

12. Defendant **YELINA ISABEL GONZALEZ**, a resident of Miami-Dade County, was an owner of Dade-Kendall.

13. Co-Conspirator 1, a resident of Miami-Dade County, was the owner of two assisted living facilities located in the State of Florida.

**CONSPIRACY TO DEFRAUD THE UNITED STATES
AND PAY HEALTH CARE KICKBACKS
(18 .S.C. § 371)**

From in or around June of 2013, and continuing through in or around June of 2015, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

**REIDY GONZALEZ
and
YELINA ISABEL GONZALEZ,**

did willfully, that is, with the intent to further the objects of the conspiracy, and knowingly combine, conspire, confederate, and agree with each other, Co-Conspirator 1, and others known and unknown to the United States Attorney, to commit offenses against the United States, that is:

- a. to defraud the United States by impairing, impeding, obstructing, and defeating through deceitful and dishonest means, the lawful government functions of the United States Department of Health and Human Services in its administration and oversight of the Medicare program, in violation of Title 18, United States Code, Section 371; and to commit certain offense against the United States, that is:
- b. to violate Title 42, United States Code, Section 1320a-7b(b)(2)(A), by knowingly and willfully offering and paying 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, Medicare.

Purpose of the Conspiracy

14. It was the purpose of the conspiracy for the defendants and their co-conspirators to unlawfully enrich themselves by, among other things: (a) paying kickbacks and bribes for referring Medicare beneficiaries to Dade-Kendall; and (b) submitting and causing the submission of claims to Medicare for home health services that Dade-Kendall purportedly provided to those beneficiaries.

Manner and Means of the Conspiracy

15. The manner and means by which the defendants and their co-conspirators sought to accomplish the objects and purpose of the conspiracy included, among other things, the following:

16. **REIDY GONZALEZ** and **YELINA ISABEL GONZALEZ** offered and paid kickbacks to Co-Conspirator 1, in return for Co-Conspirator 1 recruiting Medicare beneficiaries to serve as patients at Dade-Kendall.

17. **REIDY GONZALEZ** and **YELINA ISABEL GONZALEZ** caused Medicare to make payments to Dade-Kendall based upon the claims for home health services submitted on behalf of the recruited Medicare beneficiaries.

OVERT ACTS

In furtherance of the conspiracy, and to accomplish its objects 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 5, 2013, **REIDY GONZALEZ** and **YELINA ISABEL GONZALEZ** caused Dade-Kendall to submit claims to Medicare in the approximate amount of \$4,151 for services purportedly provided to D.B., a patient who was referred to Dade-Kendall by Co-Conspirator 1 in exchange for a kickback.

2. On or about April 30, 2014, **REIDY GONZALEZ** and **YELINA ISABEL GONZALEZ** caused Dade-Kendall to submit claims in the approximate amount of \$5,383 for services purportedly provided to A.B., a patient who was referred to Dade-Kendall by Co-Conspirator 1 in exchange for a kickback.

3. On or about June 2, 2015, **REIDY GONZALEZ** paid Co-Conspirator 1 a cash kickback in the approximate amount of \$7,200 from Dade-Kendall.

4. On or about June 30, 2015, **YELINA ISABEL GONZALEZ** and Co-Conspirator 1 met and discussed the payment of illegal kickbacks in exchange for Co-Conspirator 1 referring Medicare beneficiaries to Dade-Kendall.

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

FORFEITURE
(18 U.S.C. § 982)

1. The allegations of this Information are re-alleged and by this reference fully incorporated herein for purposes of alleging forfeiture to the United States of America of certain property in which any defendant has an interest.

2. Upon conviction of a violation of Title 18, United States Code, Section 371 as alleged in this Information, a defendant shall forfeit to the United States of America any property, real or personal, which constitutes or is derived, directly or indirectly, from gross proceeds traceable to such violation.

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

- 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;

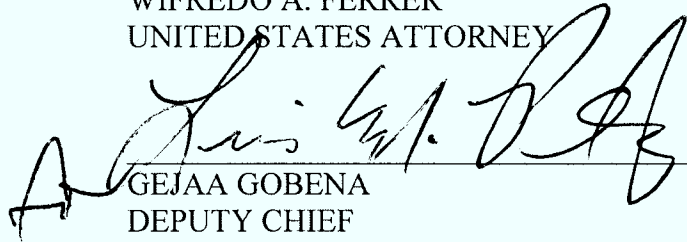
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1).

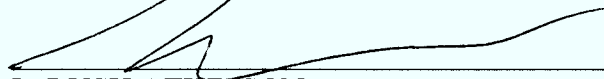
All pursuant to Title 18, United States Code, Section 982(a)(7) and the procedures set forth in Title 21, United States Code, Section 853, made applicable by Title 18, United States Code, Section 982(b).



WIFREDO A. FERRER
UNITED STATES ATTORNEY



GEJAA GOBENA
DEPUTY CHIEF
CRIMINAL DIVISION, FRAUD SECTION
U.S. DEPARTMENT OF JUSTICE



L. RUSH ATKINSON
TRIAL ATTORNEY
CRIMINAL DIVISION, FRAUD SECTION
U.S. DEPARTMENT OF JUSTICE

UNITED STATES OF AMERICA

CASE NO. _____

vs.

CERTIFICATE OF TRIAL ATTORNEY*

REIDY GONZALEZ and
 YELINA ISABEL GONZALEZ,

Defendants.

_____ /

Superseding Case Information:

Court Division: (Select One)

X Miami Key West
 FTL WPB FTP

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

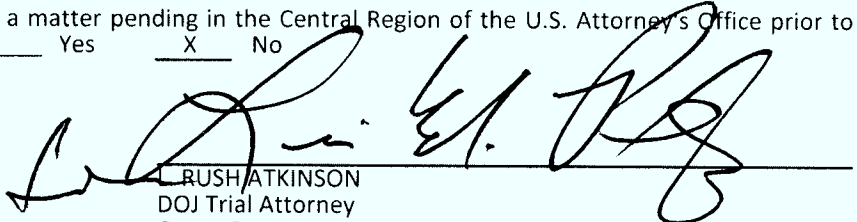
I do hereby certify that:

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 0 days for the parties to try.
5. 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>
II 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


 RUSH ATKINSON
 DOJ Trial Attorney
 Court ID No. A5502008

*Penalty Sheet(s) attached

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: REIDY GONAZALEZ

Case No: _____

Count #: 1

Conspiracy to Defraud the United States and Pay Health Care Kickbacks

Title 18, United States Code, Section 371

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

Count #:

*Max. Penalty:

Count #:

*Max. Penalty:

Counts #:

*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: YELINA ISABEL GONAZALEZ

Case No: _____

Count #: 1

Conspiracy to Defraud the United States and Pay Health Care Kickbacks

Title 18, United States Code, Section 371

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

Count #:

*Max. Penalty:

Count #:

*Max. Penalty:

Counts #:

*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.**

AO 455 (Rev. 01/09) Waiver of an Indictment

UNITED STATES DISTRICT COURT
for the
Southern District of Florida

United States of America)
v.) Case No.
)
Reidy Gonzalez,)
Defendant)

WAIVER OF AN INDICTMENT

I understand that I have been accused of one or more offenses punishable by imprisonment for more than one year. I was advised in open court of my rights and the nature of the proposed charges against me.

After receiving this advice, I waive my right to prosecution by indictment and consent to prosecution by information.

Date: _____

Defendant's signature

Signature of defendant's attorney

Printed name of defendant's attorney

Judge's signature

Judge's printed name and title

AO 455 (Rev. 01/09) Waiver of an Indictment

UNITED STATES DISTRICT COURT
for the
Southern District of Florida

United States of America)
v.) Case No.
Yelina Isabel Gonzalez,)
Defendant)

WAIVER OF AN INDICTMENT

I understand that I have been accused of one or more offenses punishable by imprisonment for more than one year. I was advised in open court of my rights and the nature of the proposed charges against me.

After receiving this advice, I waive my right to prosecution by indictment and consent to prosecution by information.

Date: _____

Defendant's signature

Signature of defendant's attorney

Printed name of defendant's attorney

Judge's signature

Judge's printed name and title