

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. **12-20284** CR-LENARD
18 U.S.C. § 1349
18 U.S.C. § 982

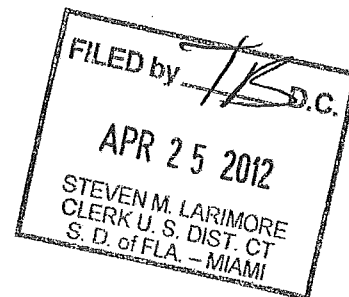
MAGISTRATE JUDGE
O'SULLIVAN

UNITED STATES OF AMERICA

vs.

MANOTTE BAZILE,

Defendant.



INFORMATION

The United States Attorney charges that:

GENERAL ALLEGATIONS

At all times relevant to this Information,

1. The Medicare Program (“Medicare”) is a federal health care program providing benefits to persons who were over the age of sixty-five or disabled. Medicare is administered by the Centers for Medicare and Medicaid Services (“CMS”), a federal agency under the United States Department of Health and Human Services. Individuals who receive benefits under Medicare are referred to as Medicare “beneficiaries.” Medicare is 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 Codes, Section 1320a-7b(f)(1).

2. Part B of the Medicare program covers partial hospitalization programs (“PHPs”) connected with the treatment of mental illness. The treatment program of PHPs closely resembles that of a highly structured, short-term hospital inpatient program, but it is a distinct and organized intensive treatment program that offers less than 24-hour daily care and is

designed, in part, to reduce medical costs by treating qualifying individuals outside the hospital setting.

3. Under the PHP benefit, Medicare covers the following services: (1) individual and group therapy with physicians or psychologists (or other authorized mental health professionals); (2) occupational therapy; (3) services of 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.

4. Medicare generally requires that the PHP be provided at a facility that is hospital-based or hospital-affiliated, but Medicare also allows a PHP to be provided in a Community Mental Health Center ("CMHC"), which is a provider type under Part A of Medicare.

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

6. Typically, a patient who needs this intensive PHP treatment has a long history of mental illness that has been treated. Patients are ordinarily referred either (a) by a hospital after full inpatient hospitalization for severe mental illness or (b) by a doctor who is trying to prevent full inpatient hospitalization for a severely mentally ill patient the doctor has been treating.

7. Medicare guidelines specifically exclude meals and transportation from coverage

under the PHP benefit.

8. Medicare does not cover programs involving primarily social, recreational, or diversionary activities.

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

10. Medicare Part B is administered in Florida by Mutual of Omaha, which, pursuant to contract with the United States Department of Health and Human Services, serves 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 pays CMHCs and physicians directly for the cost of PHP services furnished to eligible Medicare beneficiaries, provided that the services meet Medicare requirements.

The Defendant and Related Parties

11. Biscayne Milieu Health Center, Inc. ("Biscayne Milieu") was a CMHC located in Miami-Dade County, purportedly operating a PHP.

12. Defendant **MANOTTE BAZILE**, a resident of Broward County, was a social worker who worked for Biscayne Milieu.

13. Antonio Macli, a resident of Miami-Dade County, was the CEO and owner of Biscayne Milieu.

14. Jorge Macli, a resident of Miami-Dade County, and the son of Antonio Macli, was the manager, COO, and at one time, the president, of Biscayne Milieu.

15. Sandra Huarte, a resident of Miami-Dade County, and the daughter of Antonio

Macli, was an employee of Biscayne Milieu responsible for submitting claims to Medicare.

16. Rafael Alalu, a resident of Miami-Dade County, was a licensed mental health counselor in the State of Florida and the "Clinical Director" at Biscayne Milieu.

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

1. Paragraphs 1 through 16 of the General Allegations section of this Information are realleged and incorporated by reference as though fully set forth herein.

2. From in or around January 2007, through in or around August 2011, in Miami-Dade and Broward Counties, in the Southern District of Florida, and elsewhere, the defendant,

MANOTTE BAZILE,

did knowingly and willfully combine, conspire, confederate and agree with Antonio Macli, Jorge Macli, Sandra Huarte, Rafael Alalu, 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, 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, said health care benefit program, in connection with the delivery of and payment for health care benefits, items, and services.

PURPOSE OF THE CONSPIRACY

3. It was a purpose of the conspiracy for **MANOTTE BAZILE**, and her co-conspirators to unlawfully enrich themselves by, among other things: (a) submitting false and fraudulent claims to Medicare through Biscayne Milieu for services that were medically unnecessary, that were not eligible for Medicare reimbursement, and that were never provided; (b) offering and paying kickbacks and bribes to patient brokers for recruiting Medicare

beneficiaries who would attend Biscayne Milieu, who were not eligible to receive PHP services under Medicare guidelines, for whom PHP services were not medically necessary to treat their medical conditions, and to whom the PHP services were not provided; (c) receiving kickbacks and bribes to ensure the attendance of these ineligible Medicare beneficiaries at Biscayne Milieu; (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 recruiters and Medicare beneficiaries; and (e) diverting proceeds of the fraud for the personal use and benefit of the defendant and her co-conspirators in the form of compensation and other remuneration.

MANNER AND MEANS OF THE CONSPIRACY

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

4. From in or around January 2007, through in or around August 2011, **MANOTTE BAZILE** was a social worker and licensed intern at Biscayne Milieu.

5. **MANOTTE BAZILE** independently conducted therapy sessions for the Haitian patients attending Biscayne Milieu's PHP. However, **BAZILE** was not qualified to conduct therapy sessions for any PHP patients without supervision from a licensed mental health counselor.

6. **MANOTTE BAZILE** conducted therapy sessions for the Haitian patients despite the fact that these patients did not qualify for PHP services.

7. At the direction of Antonio Macli, Jorge Macli and Sandra Huarte, **MANOTTE BAZILE's** co-conspirators who recruited Haitian patients to attend the program promised the Haitian patients that if they attended the program, Biscayne Milieu would help them become United States citizens.

8. **MANOTTE BAZILE**, at the direction of Rafael Alalu, filled-out the immigration forms for some of the Haitian patients at Biscayne Milieu falsely and fraudulently indicating that the patients had a mental illness, which enabled the Haitian patients to avoid taking the citizenship test.

9. From in or around January 2007, through in or around August 2011, **MANOTTE BAZILE** and her co-conspirators caused Biscayne Milieu to submit false and fraudulent claims to Medicare for services purportedly provided at Biscayne Milieu's PHP in the approximate amount of \$57,689,700.

10. As a result of the submission of these false and fraudulent claims, Medicare paid Biscayne Milieu approximately \$11,481,593.

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

CRIMINAL FORFEITURE
(18 U.S.C. § 982)

1. The allegations contained in this Information are realleged 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 **MANOTTE BAZILE** has an interest.

2. Upon conviction of the violation in this Information, the defendant, **MANOTTE BAZILE**, 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).

3. The property which is subject to forfeiture includes, but is not limited to, approximately \$789,984, which represents the gross proceeds of the fraud perpetrated by **MANOTTE BAZILE**.

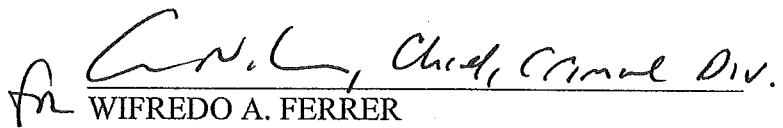
4. If any of the property described above, as a result of any act or omission of the

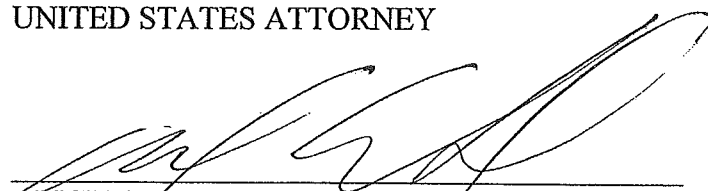
defendants:

- 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 outlined in Title 21, United States Code, Section 853.


WIFREDO A. FERRER
UNITED STATES ATTORNEY


ALICIA E. SHICK
ASSISTANT UNITED STATES ATTORNEY