

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

UNITED STATES OF AMERICA	:	CASE NO. 7:16- CR- <u>13</u>
	:	
v.	:	INDICTMENT
	:	
STANLEY B. MARABLE	:	VIOLATIONS:
	:	18 U.S.C. § 1347(a)(1) & 2
Defendant.	:	Health Care Fraud
	:	

THE GRAND JURY CHARGES:

Counts 1 through 12
Health Care Fraud in violation of 18 U.S.C. § 1347(a)(1) and (2)

1.

Beginning in and during January 1, 2011 and continuing through April of 30, 2013, defendant STANLEY B. MARABLE did knowingly and willfully execute and attempt to execute a scheme and artifice to defraud the Georgia Medicaid Program, a health care benefit program as defined in 18 U.S.C. § 24(b), and did obtain, by means of false and fraudulent pretenses, representations, and promises, money and other property under the custody and control of the Georgia Medicaid Program in connection with the delivery of and payment for health care services, as set forth below.

Background

At all times relevant to this Indictment:

2.

Defendant STANLEY B. MARABLE was a general practice dentist licensed to practice dentistry in the State of Georgia.

3.

Defendant STANLEY B. MARABLE's dental practice was located in Valdosta, Georgia. Defendant was the only licensed dentist who practiced in his office from January 1, 2011 through April 30, 2013.

4.

Georgia Medicaid Program is a state administered healthcare program funded primarily by the United States government, which provides certain healthcare services for indigent and low-income citizens who qualify under state guidelines. Georgia Medicaid is a "healthcare benefit program" as defined in Title 18, United States Code, Subsection 24(b). The Georgia Medicaid Program, administered by the Georgia Department of Community Health, Division of Medical Assistance (DCH), was established to provide an array of health care services and benefits to those who, due to economic circumstances, could not otherwise afford such health care services and benefits. Georgia Medicaid is funded jointly by the State of Georgia and The Department of Health and Human Services through the Centers for Medicare and Medicaid Services. Individuals who received benefits under Georgia Medicaid are commonly referred to as Medicaid "beneficiaries" or "recipients."

5.

DCH assigned provider numbers to medical providers, including dentists, who qualified under Georgia Medicaid policies and procedures to provide medically necessary services. A provider number enabled a provider to receive reimbursement for services rendered to Medicaid recipients by said provider. As a term of participation, enrolled providers agreed to abide by all applicable Medicaid policies and procedures and agreed to take responsibility for all claims for

medical services submitted to the Medicaid Program for reimbursement. Defendant STANLEY B. MARABLE was an enrolled Medicaid provider who was assigned a provider number by DCH.

6.

Enrolled Medicaid providers submitted requests for reimbursement by means of a “claim.” A claim may be submitted either directly in hard copy or by electronic submission to the Georgia Medicaid program and its fiscal intermediary, HP Enterprises. Regardless of the method used to submit a claim, a claim had to contain the provider number, member recipient’s information, and the service code for services rendered in order to be reimbursed.

7.

Providers, such as Defendant Stanley B. Marable, enrolled in the Dentistry Services program had to submit claims with the appropriate Current Dental Terminology (CDT) procedure code. These CDT codes were standardized to ensure submission of claims across information systems and insurance programs remained consistent. Medicaid providers and their staff were expected to remain current on appropriate CDT code usage and only bill for codes that were medically necessary and supported by adequate medical documentation.

8.

Within the Dental Services program, providers may bill for a variety of CDT codes for the medically necessary extraction of teeth. These codes have varying reimbursement rates depending on the complexity of the procedure involved. An extraction code is only billed when a tooth is removed from the recipient’s mouth, and a recipient’s lifetime benefits will only pay once for the extraction of a given tooth. Each tooth is assigned a unique identifier to assist in tracking whether a tooth has previously been billed for an extraction or not.

Scheme to Defraud

9.

Defendant, STANLEY B. MARABLE, purported to provide an array of dental services to both children and adults at his office in Valdosta, Georgia. A considerable amount of the money Defendant STANLEY B. MARABLE received from the Georgia Fee For Service Medicaid Program resulted from claims submissions for numerous Medicaid recipients for CDT Code D7240: Removal of impacted tooth – completely bony. Defendant STANLEY B. MARABLE caused claims to be submitted to Georgia Medicaid for these fully bony tooth extractions when, in fact, he did not perform said procedure on the date billed for by his practice.

D7240 is the highest reimbursing extraction code in the Georgia Fee For Service Program. According to the CDT manual, code D7240 should be used when the tooth being extracted is impacted and most or all of the crown (top) of the tooth is covered by bone. This procedure requires removal of bone as part of extracting the tooth.

10.

For example, Defendant STANLEY B. MARABLE caused claims to be submitted to the Georgia Medicaid program on numerous occasions for recipients who did not have any teeth extracted on the date for which his practice billed. In some situations, the recipient was not even present on the date for which defendant billed. In other circumstances, Defendant STANLEY B. MARABLE caused claims to be submitted for completely bony tooth extractions on a date when only less invasive dental procedures were performed such as routine teeth cleanings, x-rays, or limited oral examinations.

11.

Defendant, STANLEY B. MARABLE also caused claims to be submitted to the Georgia Medicaid program for fully bony tooth extractions for which his dental records failed to substantiate the medical necessity of such procedure. His records routinely and chronically failed to document that any of the recipients for which he billed multiple fully bony tooth extractions had multiple occurrences of this medical condition. This was the result of Defendant STANLEY B. MARABLE's medical records frequently lacking x-rays, or in the alternative lacking x-rays of diagnostic quality showing the correct teeth, insufficient procedure notes, inconsistent or missing documentation for the date of service for which claims were caused to be submitted, and in some circumstances no dental record at all being produced for review.

Paragraphs 1 through 11 are incorporated fully herein by reference on counts 1 through 12 of the Indictment.

Count One
(Health Care Fraud)

On or about the dates set forth below, in the Middle District of Georgia, the defendant, STANLEY B. MARABLE, knowingly and willfully executed and attempted to execute the above-described scheme and artifice to defraud, by causing claims for CDT code D7240 to be submitted to the Georgia Medicaid program, a health care benefit program, for Medicaid recipient S.L. – Medicaid Number XXXXXXXXX7301 for services purportedly provided on the dates of service (DOS) listed in the table below and for which he received money from the Georgia Medicaid program on or about the dates of payment (DOP) listed below when, in fact, Defendant STANLEY B. MARABLE never provided dental services to this recipient, in violation of Title 18, United States Code, Section 1347(a)(1) and (2):

Table 1: Recipient S.L. – Medicaid Number XXXXXXXXX7301

<u>DOS</u>	<u>DOP</u>	<u>Proc Code</u>	<u>Number of Teeth Billed as Removed</u>	<u>Amount Paid</u>
05/01/12	05/07/12	D7240	13	\$3,269.50
05/03/12	05/07/12	D7240	<u>9</u>	<u>\$2,263.50</u>
		Totals:	22	\$5,533.00

Count Two
(Health Care Fraud)

On or about the dates set forth below, in the Middle District of Georgia, the defendant, STANLEY B. MARABLE, knowingly and willfully executed and attempted to execute the above-described scheme and artifice to defraud, by causing claims for CDT code D7240 to be submitted to the Georgia Medicaid program, a health care benefit program, for Medicaid recipient A.W. – Medicaid Number XXXXXXXXX9423 for services purportedly provided on the dates of service (DOS) listed in the table below and for which he received money from the Georgia Medicaid program on or about the dates of payment (DOP) listed below when, in fact, Defendant STANLEY B. MARABLE never performed these procedures, in violation of Title 18, United States Code, Section 1347(a)(1) and (2):

Table 2: Recipient A.W. – Medicaid Number XXXXXXXXX9423

<u>DOS</u>	<u>DOP</u>	<u>Proc Code</u>	<u>Number of Teeth Billed as Removed</u>	<u>Amount Paid</u>
07/20/11	08/01/11	D7240	14	\$3,521.00
07/28/11	08/01/11	D7240	<u>14</u>	<u>\$3,521.00</u>
		Totals:	28	\$7,042.00

Count Three
(Health Care Fraud)

On or about the dates set forth below, in the Middle District of Georgia, the defendant, STANLEY B. MARABLE, knowingly and willfully executed and attempted to execute the above-described scheme and artifice to defraud, by causing claims for CDT code D7240 to be submitted to the Georgia Medicaid program, a health care benefit program, for Medicaid recipient F.R.R. – Medicaid Number XXXXXXXXX7526 for services purportedly provided on the dates of service (DOS) listed in the table below and for which he received money from the Georgia Medicaid program on or about the dates of payment (DOP) listed below when, in fact, Defendant STANLEY B. MARABLE never performed these procedures, in violation of Title 18, United States Code, Section 1347(a)(1) and (2):

Table 3: Recipient F.R.R. – Medicaid Number XXXXXXXXX7526

<u>DOS</u>	<u>DOP</u>	<u>Proc Code</u>	<u>Number of Teeth Billed as Removed</u>	<u>Amount Paid</u>
10/15/12	02/04/13	D7240	15	\$3,772.50
10/20/12	02/04/13	D7240	14	\$3,521.00
		Totals:	29	\$7,293.50

Count Four
(Health Care Fraud)

On or about the dates set forth below, in the Middle District of Georgia, the defendant, STANLEY B. MARABLE, knowingly and willfully executed and attempted to execute the above-described scheme and artifice to defraud, by causing claims for CDT code D7240 to be submitted to the Georgia Medicaid program, a health care benefit program, for Medicaid recipient J.L. – Medicaid Number XXXXXXXXX7724 for services purportedly provided on the dates of service (DOS) listed in the table below and for which he received money from the Georgia Medicaid

program on or about the dates of payment (DOP) listed below when, in fact, Defendant STANLEY B. MARABLE never performed these procedures, in violation of Title 18, United States Code, Section 1347(a)(1) and (2):

Table 4: Recipient J.L. – Medicaid Number XXXXXXXXX7724

<u>DOS</u>	<u>DOP</u>	<u>Proc Code</u>	<u>Number of Teeth Billed as Removed</u>	<u>Amount Paid</u>
02/12/13	02/18/13	D7240	13	\$3,269.50
02/15/13	02/18/13	D7240	14	\$3,521.00
		Totals:	27	\$6,790.50

Count 5
(Health Care Fraud)

On or about the dates set forth below, in the Middle District of Georgia, the defendant, STANLEY B. MARABLE, knowingly and willfully executed and attempted to execute the above-described scheme and artifice to defraud, by causing claims for CDT code D7240 to be submitted to the Georgia Medicaid program, a health care benefit program, for Medicaid recipient K.D. – Medicaid Number XXXXXXXXX1402 for services purportedly provided on the dates of service (DOS) listed in the table below and for which he received money from the Georgia Medicaid program on or about the dates of payment (DOP) listed below when, in fact, Defendant STANLEY B. MARABLE did not perform the procedure code billed and for which the procedure code billed was not medically necessary, in violation of Title 18, United States Code, Section 1347(a)(1) and (2):

Table 5: Recipient K.D. – Medicaid Number XXXXXXXXX1402

<u>DOS</u>	<u>DOP</u>	<u>Proc Code</u>	<u>Number of Teeth Billed as Removed</u>	<u>Amount Paid</u>
02/07/12	02/20/12	D7240	15	\$3,772.50

02/12/12	02/20/12	D7240	1	\$251.50
02/14/12	02/20/12	D7240	<u>10</u>	<u>\$2,515.00</u>
		Totals:	26	\$6,539.00

Count 6
(Health Care Fraud)

On or about the dates set forth below, in the Middle District of Georgia, the defendant, STANLEY B. MARABLE, knowingly and willfully executed and attempted to execute the above-described scheme and artifice to defraud, by causing claims for CDT code D7240 to be submitted to the Georgia Medicaid program, a health care benefit program, for Medicaid recipient L.M. – Medicaid Number XXXXXXXXX0567 for services purportedly provided on the dates of service (DOS) listed in the table below and for which he received money from the Georgia Medicaid program on or about the dates of payment (DOP) listed below when, in fact, Defendant STANLEY B. MARABLE did not perform the procedure code billed and for which the procedure code billed was not medically necessary, in violation of Title 18, United States Code, Section 1347(a)(1) and (2):

Table 6: Recipient L.M. – Medicaid Number XXXXXXXXX0567

<u>DOS</u>	<u>DOP</u>	<u>Proc Code</u>	<u>Number of Teeth Billed as Removed</u>	<u>Amount Paid</u>
02/21/13	03/04/13	D7240	11	\$2,766.50
02/27/13	03/04/13	D7240	<u>15</u>	<u>\$3,772.50</u>
		Totals:	26	\$6,539.00

Count 7
(Health Care Fraud)

On or about the dates set forth below, in the Middle District of Georgia, the defendant, STANLEY B. MARABLE, knowingly and willfully executed and attempted to execute the above-

described scheme and artifice to defraud, by causing claims for CDT code D7240 to be submitted to the Georgia Medicaid program, a health care benefit program, for Medicaid recipient S.V. – Medicaid Number XXXXXXXXX8243 for services purportedly provided on the dates of service (DOS) listed in the table below and for which he received money from the Georgia Medicaid program on or about the dates of payment (DOP) listed below when, in fact, Defendant STANLEY B. MARABLE did not perform the procedure code billed and for which the procedure code billed was not medically necessary, in violation of Title 18, United States Code, Section 1347(a)(1) and (2):

Table 7: Recipient S.V. – Medicaid Number XXXXXXXXX8243

<u>DOS</u>	<u>DOP</u>	<u>Proc Code</u>	<u>Number of Teeth Billed as Removed</u>	<u>Amount Paid</u>
05/14/11	05/30/11	D7240	14	\$3,521.00
05/26/11	05/30/11	D7240	12	\$3,018.00
05/27/11	05/30/11	D7240	<u>2</u>	<u>\$503.00</u>
		Totals:	28	\$7,042.00

Count 8
(Health Care Fraud)

On or about the dates set forth below, in the Middle District of Georgia, the defendant, STANLEY B. MARABLE, knowingly and willfully executed and attempted to execute the above-described scheme and artifice to defraud, by causing claims for CDT code D7240 to be submitted to the Georgia Medicaid program, a health care benefit program, for Medicaid recipient A.M. – Medicaid Number XXXXXXXXX4378 for services purportedly provided on the dates of service (DOS) listed in the table below and for which he received money from the Georgia Medicaid program on or about the dates of payment (DOP) listed below when, in fact, Defendant STANLEY B. MARABLE did not perform the procedure code billed and for which the procedure code billed

was not medically necessary, in violation of Title 18, United States Code, Section 1347(a)(1) and (2):

Table 8: Recipient A.M. – Medicaid Number XXXXXXXXX4378

<u>DOS</u>	<u>DOP</u>	<u>Proc Code</u>	<u>Number of Teeth Billed as Removed</u>	<u>Amount Paid</u>
04/01/13	04/15/13	D7240	5	\$1,257.50
04/04/13	04/15/13	D7240	11	\$2,766.50
04/10/13	04/15/13	D7240	<u>11</u>	<u>\$2,766.50</u>
		Totals:	27	\$6,790.50

Counts 9 and 10
(Health Care Fraud)

On or about the dates set forth below, in the Middle District of Georgia, the defendant, STANLEY B. MARABLE, knowingly and willfully executed and attempted to execute the above-described scheme and artifice to defraud, by causing claims for CDT code D7240 to be submitted to the Georgia Medicaid program, a health care benefit program, for Medicaid recipient C.D. – Medicaid Number XXXXXXXXX1877 for services purportedly provided on the dates of service (DOS) listed in the table below and for which he received money from the Georgia Medicaid program on or about the dates of payment (DOP) listed below when, in fact, Defendant STANLEY B. MARABLE did not perform the procedure code billed and for which the procedure code billed was not medically necessary, in violation of Title 18, United States Code, Section 1347(a)(1) and (2):

Table 9: Recipient C.D. – Medicaid Number XXXXXXXX1877

<u>DOS</u>	<u>DOP</u>	<u>Proc Code</u>	<u>Number of Teeth Billed as Removed</u>	<u>Amount Paid</u>
04/30/12	06/04/12	D7240	10	\$2,515.00
05/15/12	06/04/12	D7240	9	\$2,263.50
		Totals:	19	\$4,778.00

Table 10: Recipient C.D. – Medicaid Number XXXXXXXX1877

<u>DOS</u>	<u>DOP</u>	<u>Proc Code</u>	<u>Number of Teeth Billed as Removed</u>	<u>Amount Paid</u>
11/01/12	11/26/12	D7240	3	\$ 754.50
11/20/12	11/26/12	D7240	4	<u>\$1,006.00</u>
		Totals:	7	\$1,760.50

Count 11
(Health Care Fraud)

On or about the dates set forth below, in the Middle District of Georgia, the defendant, STANLEY B. MARABLE, knowingly and willfully executed and attempted to execute the above-described scheme and artifice to defraud, by causing claims for CDT code D7240 to be submitted to the Georgia Medicaid program, a health care benefit program, for Medicaid recipient C.H. – Medicaid Number XXXXXXXX4733 for services purportedly provided on the dates of service (DOS) listed in the table below and for which he received money from the Georgia Medicaid program on or about the dates of payment (DOP) listed below when, in fact, Defendant STANLEY B. MARABLE did not perform the procedure code billed and for which the procedure code billed was not medically necessary, in violation of Title 18, United States Code, Section 1347(a)(1) and (2):

Table 11: Recipient C.H. – Medicaid Number XXXXXXXXX4733

<u>DOS</u>	<u>DOP</u>	<u>Proc Code</u>	<u>Number of Teeth Billed as Removed</u>	<u>Amount Paid</u>
03/02/12	03/12/12	D7240	16	\$4,024.00
03/09/12	03/12/12	D7240	10	\$2,515.00
		Totals:	26	\$6,539.00

Count 12
(Health Care Fraud)

On or about the dates set forth below, in the Middle District of Georgia, the defendant, STANLEY B. MARABLE, knowingly and willfully executed and attempted to execute the above-described scheme and artifice to defraud, by causing claims for CDT code D7240 to be submitted to the Georgia Medicaid program, a health care benefit program, for Medicaid recipient S.L. – Medicaid Number XXXXXXXXX2538 for services purportedly provided on the dates of service (DOS) listed in the table below and for which he received money from the Georgia Medicaid program on or about the dates of payment (DOP) listed below when, in fact, Defendant STANLEY B. MARABLE did not perform the procedure code billed and for which the procedure code billed was not medically necessary, in violation of Title 18, United States Code, Section 1347(a)(1) and (2):

Table 12: Recipient S.L. – Medicaid Number XXXXXXXXX2538

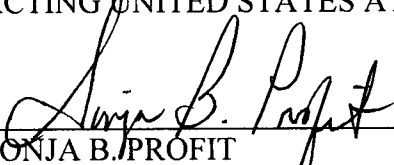
<u>DOS</u>	<u>DOP</u>	<u>Proc Code</u>	<u>Number of Teeth Billed as Removed</u>	<u>Amount Paid</u>
10/15/12	11/05/12	D7240	14	\$3,521.00
10/30/12	11/05/12	D7240	17	\$4,275.50
		Totals:	31	\$7,796.50

A TRUE BILL.

/s/ Foreperson of the Grand Jury
 FOREPERSON OF THE GRAND JURY


Presented by:

G.F. PETERMAN, III
 ACTING UNITED STATES ATTORNEY



 SONJA B. PROFIT
 ASSISTANT UNITED STATES ATTORNEY

Filed in open court this 13th day of April, AD 2016.



 Deputy Clerk