

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

INDICTMENT FOR CONSPIRACY, HEALTH CARE FRAUD AND FALSE STATEMENTS

UNITED STATES OF AMERICA	*	CRIMINAL ACTION
VERSUS	*	NUMBER:
AKASIA LEE	*	SECTION:
MICHAEL DAVIS		
D’JUAN ROBINSON	*	VIOLATIONS:
QUEBAN LEE		<i>18 USC §371</i>
UNA FAVORITE BROWN	*	<i>18 USC §1347</i>
MELINDA LANGLEY		<i>18 USC §1001</i>
ERNESTINE GIROD	*	<i>18 USC§2</i>

* * *

The Grand Jury charges that:

COUNT 1

A. AT ALL TIMES MATERIAL HEREIN:

1. A New Beginning of New Orleans, Inc.(**ANBNO**), was a Louisiana corporation.

MICHAEL DAVIS was the President and **AKASIA LEE** was the Vice-President and Secretary. **D’JUAN ROBINSON, QUEBAN LEE, UNA FAVORITE BROWN** and **MELINDA LANGLEY** were employees of **ANBNO**. **ERNESTINE GIROD** was a parent with minor children who were Medicaid recipients.

2. Medicaid is a public insurance (assistance) program that provides health care coverage to low-income families and persons with medical disabilities. The Louisiana Department of Health and Hospitals (DHH) administers the Medicaid program in Louisiana. UNISYS Corporation acts as a fiscal intermediary, to process Medicaid claims, and to make reimbursement to providers for rendering services.
3. DHH enters into “Provider Agreements” with entities providing medical or medically related services. By virtue of the provider agreement, these entities are certified as eligible Medicaid providers who are reimbursed by DHH for services rendered to Medicaid recipients, in accordance with rates that are established by DHH.
4. Medicaid has an Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Program which covers children’s medical services. One group of services provided under EPSDT are Personal Care Services (PCS) to eligible recipients meeting the medical necessity criteria for the services. PCS are provided by attendants to persons who are unable to care for themselves.
5. PCS services must be provided through a licensed Personal Care Attendant Medicaid provider. On April 28, 2001, **MICHAEL DAVIS** applied for a Medicaid Provider Number for **ANBNO** to become a Personal Care Attendant Provider. The application disclosed that **MICHAEL DAVIS** and **AKASIA LEE** were owners of **ANBNO**. **ANBNO** was issued Medicaid Provider Number 0018874. In September 2003, the DHH reassigned **ANBNO** Provider Number 17081.
6. Staff assigned to provide PCS could not be a member of the recipient’s immediate family. Immediate family was defined as father, mother, sister, brother, spouse, child,

grandparent, in-law, or any individual acting as a parent or guardian of the recipient.

7. PCS must be provided in the recipient's home. Services can only be performed outside of the recipient's home if it is medically necessary for the recipient to receive the services outside of the home.
8. A physician must prescribe PCS services initially and every 180 days thereafter, and whenever changes occur in the plan of care (POC). Once ordered by a physician, the PCS provider requests approval for the service from Medicaid. The POC was signed by the physician and specified the services to be provided, that is, the activities of daily living for which assistance is needed, and the minimum and maximum frequency and duration of these services.
9. The purpose of ordering PCS services was to prevent institutionalization of the recipient, and to enable the recipient to be treated on an outpatient basis rather than an inpatient basis. The physician certification, a 90-L form, for PCS was equivalent to certifying the medical necessity of placing a patient in an Intermediate Care Facility 1 (ICF-1), and that the patient was impaired in at least 2 activities of daily living tasks. ICF-1 is a medical level of care provided to Medicaid recipients residing in a nursing facility.

B. THE CONSPIRACY:

Beginning on or about April 28, 2001, and continuing until on or about August 4, 2006, in the Eastern District of Louisiana, the defendants, **AKASIA LEE, MICHAEL DAVIS, D'JUAN ROBINSON, QUEBAN LEE, UNA FAVORITE BROWN, MELINDA LANGLEY**, and **ERNESTINE GIROD**, and others known and unknown to the Grand Jury, willfully and knowingly did combine, conspire, confederate and agree together and with each

other to knowingly and willfully execute and attempt to execute a scheme and artifice to defraud Medicaid and to obtain, by means of false and fraudulent pretenses, representations, and promises, money owned by and under the custody and control of Medicaid in connection with the delivery of and payment for health care benefits and services, to-wit: the Defendants created false documentation establishing that PCS was being performed by workers of **ANBNO** when the Defendants well knew that they were not performing services for **ANBNO** and that **ANBNO** was not performing any services for any Medicaid recipients that qualified as PCS, in violation of Title 18, United States Code, Section 1347.

C. OBJECT OF THE CONSPIRACY:

The principal objective of defendants **AKASIA LEE, MICHAEL DAVIS, D’JUAN ROBINSON, QUEBAN LEE**, and others known and unknown to the Grand Jury was to use **ANBNO** to maximize Medicaid billing for PCS that were not medically necessary and not performed. **UNA FAVORITE BROWN** and **MELINDA LANGLEY**, were employees of **ANBNO** who created false documentation to support fraudulent Medicaid claims.

ERNESTINE GIROD was a parent of Medicaid recipients who falsely stated that her children received PCS when she well knew her children had not received such services.

D. WAYS AND MEANS TO ACCOMPLISH THE CONSPIRACY

Among the ways and means by which the Defendants carried out the conspiracy:

ANBNO solicited mothers with children who had Medicaid benefits to apply for PCS. In the majority of the cases, a false prescription for PCS was created and transmitted to Medicaid. In other cases, true prescriptions were transmitted relative to children with true disabilities. After Medicaid approved the PCS applications, false documentation was created by employees of

ANBNO and parents of the Medicaid recipient children. The false documentation included employees' time sheets and daily schedules which detailed the services rendered to Medicaid child recipients. In virtually every instance where a child was approved by Medicaid to receive PCS from **ANBNO**, no reimbursable PCS was rendered. From the time of the inception of **ANBNO** through May 4, 2005, Medicaid paid approximately \$3,977,288.

E. OVERT ACTS:

In furtherance of the conspiracy and to accomplish the purposes thereof, the Defendants, committed the following overt acts, among others, in the Eastern District of Louisiana:

1. **AKASIA LEE** and **D'JUAN ROBINSON** created false prescriptions for PCS by using genuine PCS prescriptions and cutting, pasting and whiting out information, including patient names, dates, and durations of services. These fake prescriptions were forwarded to Medicaid for pre-authorization.
2. **AKASIA LEE** and **D'JUAN ROBINSON** created false POCs by copying genuine physician signatures and pasting them onto falsely created POCs.
3. **AKASIA LEE** and **D'JUAN ROBINSON** created false 90-L forms by copying genuine physician signatures from an original 90-L form and pasting it onto a falsely created 90-L form.
4. Each time sheet falsely listing a two week span of dates and times PCS were performed by an employee of **ANBNO** was signed by **AKASIA LEE** either originally or by a stamp of **AKASIA LEE'S** signature.
5. Based upon false documentation created by employees of **ANBNO**, claims for PCS were routinely transmitted electronically to Medicaid. **ANBNO** was paid by Medicaid based upon these claims.
6. From the reimbursements by Medicaid, **AKASIA LEE** paid herself a salary as an employee of **ANBNO** in addition to taking money from **ANBNO** as "loan payments," "cash advances," and "reimbursements." **AKASIA LEE** also withdrew funds from **ANBNO** in order to pay kickbacks to parents and guardians of Medicaid recipients who created false documentation to support Medicaid billings for PCS.

7. **AKASIA LEE** created false time sheets and PCS Daily Schedules for services she claimed to have performed for a Medicaid recipient enrolled at **ANBNO** in December 2003.
8. **MICHAEL DAVIS** created false time sheets and PCS Daily Schedules for services he claimed to have performed for **ANBNO** between July of 2003, and August of 2003.
9. Between April 28, 2001, and May 4, 2005, Medicaid paid **ANBNO** and **AKASIA LEE** approximately \$8,568 for services performed by **MICHAEL DAVIS**; in return, **ANBNO** and **AKASIA LEE** paid **MICHAEL DAVIS** for creating fraudulent documentation to support billings to Medicaid.
10. **UNA FAVORITE BROWN** created false time sheets and PCS Daily Schedules for services she claimed to have performed for **ANBNO** between December 2003 and March 2004.
11. Between April 28, 2001, and May 4, 2005, Medicaid paid **ANBNO** and **AKASIA LEE** approximately \$33,405 for services performed by **UNA FAVORITE BROWN**; in return, **ANBNO** and **AKASIA LEE** paid **UNA FAVORITE BROWN** for creating fraudulent documentation to support billings to Medicaid.
12. **ERNESTINE "TWEET" GIROD** created false time sheets and PCS Daily Schedules for **ANBNO** for services she claimed to have witnessed and authorized for her children between July of 2003, and December of 2004.
13. Between April 28, 2001, and May 4, 2005, Medicaid paid **ANBNO** and **AKASIA LEE** approximately \$68,140 for services performed by an unindicted co-conspirator and approved and witnessed by **ERNESTINE GIROD**; in return, **ANBNO** and **AKASIA LEE** paid **ERNESTINE GIROD** for creating fraudulent documentation to support billings to Medicaid.
14. **QUEBAN LEE** created false time sheets and PCS Daily Schedules for services he claimed to have performed for **ANBNO** between December of 2003, and February of 2005.
15. Between April 28, 2001, and May 4, 2005, Medicaid paid **ANBNO** and **AKASIA LEE** approximately \$27,814 for services performed by **QUEBAN LEE**; in return, **ANBNO** and **AKASIA LEE** paid **QUEBAN LEE** for creating fraudulent documentation to support billings to Medicaid.
16. **D'JUAN ROBINSON** created false time sheets and PCS Daily Schedules for services she claimed to have performed for **ANBNO** between November of 2003,

and November of 2004.

17. Between April 28, 2001, and May 4, 2005, Medicaid paid **ANBNO** and **AKASIA LEE** approximately \$112,170 for services performed by **D’JUAN ROBINSON**; in return, **ANBNO** and **AKASIA LEE** paid **D’JUAN ROBINSON** for creating fraudulent documentation to support billings to Medicaid.
18. **MELINDA LANGLEY** created false time sheets and PCS Daily Schedules for services she claimed to have performed for **ANBNO** between August and December of 2003.
19. Between April 28, 2001, and May 4, 2005, Medicaid paid **ANBNO** and **AKASIA LEE** approximately \$47,717 for services performed by **MELINDA LANGLEY**; in return, **ANBNO** and **AKASIA LEE** paid **MELINDA LANGLEY** for creating fraudulent documentation to support billings to Medicaid.

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

HEALTH CARE FRAUD

COUNTS 2 - 4

- A. At all times material herein, the allegations of Count 1, Section A, are incorporated as though fully set forth herein.
- B. Beginning on or about June 5, 2003, and continuing until on or about May 4, 2005, in the Eastern District of Louisiana and elsewhere, the defendant **AKASIA LEE** did knowingly and willfully execute and attempt to execute a scheme and artifice to defraud Medicaid and to obtain, by means of false and fraudulent pretenses, representations, and promises, money owned by, and under the custody and control of, Medicaid in connection with the delivery of and payment for health care benefits and services.

As a part of the scheme and artifice to defraud, false time sheets were made to create the appearance that the **ANBNO** workers were providing PCS to Medicaid recipients. PCS Daily Schedules were falsified to create the appearance that assistance with performing activities of

daily living was being provided to Medicaid recipients. In fact, **ANBNO** workers were not providing any PCS to the Medicaid recipients and the false documentation was created solely to support the Medicaid billing.

It was a further part of the scheme and artifice to defraud that, based upon false billings submitted to Medicaid, **ANBNO** was paid for services **AKASIA LEE** falsely stated were provided to the below listed Medicaid recipients:

Count	Dates of Services	Claim Number	Recipient
2	12/10/03 - 12/16/03	3350152772700	ReAl
3	12/17/03 - 12/23/03	3357152218700	ReAl
4	12/24/03 - 12/30/03	3364153248300	ReAl

All in violation of Title 18, United States Code, Sections 1347 and 2.

COUNTS 5 - 72

A. At all times material herein, the allegations of Count 1, Section A, are incorporated as though fully set forth herein.

B. Beginning on or about June 5, 2003, and continuing until on or about May 4, 2005, in the Eastern District of Louisiana and elsewhere, the defendants **AKASIA LEE** and the below named individual defendants did knowingly and willfully execute and attempt to execute a scheme and artifice to defraud Medicaid and to obtain, by means of false and fraudulent pretenses, representations, and promises, money owned by, and under the custody and control of, Medicaid in connection with the delivery of and payment for health care benefits and services.

As a part of the scheme and artifice to defraud, false time sheets were made to create the appearance that the **ANBNO** workers were providing PCS to Medicaid recipients. PCS Daily

Schedules were falsified to create the appearance that assistance with performing activities of daily living was being provided to Medicaid recipients. In fact, **ANBNO** workers were not providing any PCS to the Medicaid recipients and the false documentation was created solely to support the Medicaid billing.

It was a further part of the scheme and artifice to defraud that, based upon false billings submitted to Medicaid, **ANBNO** was paid for the services **AKASIA LEE** and the below named defendant falsely stated were provided to the below listed Medicaid recipients:

Count	Defendant	Dates of Services	Claim Number	Recipient
5	UNA FAVORITE BROWN	12/13/03 - 12/16/03	3350152765300	LoMo
6	UNA FAVORITE BROWN	12/17/03 - 12/23/03	3357152225200	LoMo
7	UNA FAVORITE BROWN	12/24/03 - 12/26/03	3364153255700	LoMo
8	UNA FAVORITE BROWN	3/20/04 - 3/21/04	4084153700100	LoMo
9	UNA FAVORITE BROWN	3/22/04 - 4/2/04	4127151457500	LoMo
10	UNA FAVORITE BROWN	12/13/03 - 12/16/03	2604055891601	EnMo
11	UNA FAVORITE BROWN	12/17/03 - 12/23/03	3357152225100	EnMo
12	UNA FAVORITE BROWN	12/24/03 - 12/26/03	3364153255600	EnMo
13	UNA FAVORITE BROWN	3/20/04 - 3/21/04	4084153700000	EnMo
14	UNA FAVORITE BROWN	3/22/04 - 4/2/04	4127151465000	EnMo
15	ERNESTINE GIROD	7/23/03 - 7/29/03	321115376470	JaGi
16	ERNESTINE GIROD	7/23/03 - 7/29/03	3211153764600	GrGi
17	ERNESTINE GIROD	7/23/03 - 7/29/03	3211153764800	MoGi
18	ERNESTINE GIROD	7/30/03 - 8/5/03	3217153272100	JaGi
19	ERNESTINE GIROD	7/30/03 - 8/5/03	3217153272000	GrGi
20	ERNESTINE GIROD	7/30/03 - 8/5/03	3217153272200	MoGi
21	ERNESTINE GIROD	11/12/03 - 11/18/03	3323153533500	GrGi

22	ERNESTINE GIROD	11/12/03 - 11/14/03	3323153533600	JaGi
23	ERNESTINE GIROD	11/12/03 - 11/18/03	3323153533700	MoGi
24	ERNESTINE GIROD	11/19/03 - 11/25/03	3329153324700	GrGi
25	ERNESTINE GIROD	11/19/03 - 11/25/03	3329153324800	JaGi
26	ERNESTINE GIROD	11/19/03 - 11/25/03	3329153324900	MoGi
27	ERNESTINE GIROD	11/26/03 - 11/30/03	3344153177100	MoGi
28	ERNESTINE GIROD	11/26/03 - 12/2/03	3337153581700	JaGi
29	ERNESTINE GIROD	11/26/03 - 12/2/03	3337153581800	GrGi
30	ERNESTINE GIROD	12/24/03 - 12/30/03	3364153251800	JaGi
31	ERNESTINE GIROD	12/24/03 - 12/30/03	3364153251700	GrGi
32	ERNESTINE GIROD	11/18/04 - 11/24/04	4337151058000	JaGi
33	ERNESTINE GIROD	11/18/04 - 11/24/04	4329150882400	GrGi
34	ERNESTINE GIROD	12/09/04 - 12/15/04	4351151046700	JaGi
35	ERNESTINE GIROD	12/09/04 - 12/15/04	4351151046600	GrGi
36	ERNESTINE GIROD	12/16/04 - 12/22/04	4358150812100	JaGi
37	ERNESTINE GIROD	12/16/04 - 12/22/04	4358150812000	GrGi
38	ERNESTINE GIROD	12/23/04 - 12/29/04	4365150902900	JaGi
39	ERNESTINE GIROD	12/23/04 - 12/29/04	4365150902800	GrGi
40	QUEBAN LEE	12/17/03 - 12/23/03	3357152226200	JoPe
41	QUEBAN LEE	1/20/05 - 1/26/05	5026154386501	RaLa
42	QUEBAN LEE	1/27/05 - 1/31/05	5034154056202	RaLa
43	QUEBAN LEE	2/01/05 - 2/02/05	5034154056203	RaLa
44	QUEBAN LEE	2/03/05 - 2/09/05	5040153094600	RaLa
45	QUEBAN LEE	2/10/05 - 2/16/05	5048153163600	RaLa
46	QUEBAN LEE	2/17/05 - 2/23/05	5054153605900	RaLa
47	D'JUAN ROBINSON	11/26/03 - 12/02/03	3337153585000	JaAr

48	D'JUAN ROBINSON	11/26/03 - 12/02/03	3337153585100	LiAr
49	D'JUAN ROBINSON	11/26/03 - 12/02/03	3337153583300	AhCa
50	D'JUAN ROBINSON	12/10/03 - 12/16/03	3350152772400	JaAr
51	D'JUAN ROBINSON	12/10/03 - 12/16/03	3350152772500	LiAr
52	D'JUAN ROBINSON	12/10/03 - 12/16/03	3350152770700	AhCa
53	D'JUAN ROBINSON	12/17/03 - 12/23/03	3357152219000	JaAr
54	D'JUAN ROBINSON	12/17/03 - 12/23/03	3357152218900	LiAr
55	D'JUAN ROBINSON	12/17/03 - 12/23/03	3357152220700	AhCa
56	D'JUAN ROBINSON	12/24/03 - 12/30/03	3364153248600	JaAr
57	D'JUAN ROBINSON	12/24/03 - 12/30/03	3364153248500	LiAr
58	D'JUAN ROBINSON	12/24/03 - 12/30/03	3364153250300	AhCa
59	D'JUAN ROBINSON	10/04/04 - 11/04/04	4351151053600	LaAl
60	MELINDA LANGLEY	8/6/03 - 8/12/03	3224152226300	JoPe (girl)
61	MELINDA LANGLEY	8/13/03 - 8/19/03	3231152548100	JoPe (girl)
62	MELINDA LANGLEY	12/10/03 - 12/16/03	3350152764200	JoPe (girl)
63	MELINDA LANGLEY	12/17/03 - 12/23/03	3357152226300	JoPe (girl)
64	MELINDA LANGLEY	12/24/03 - 12/30/03	3364153256900	JoPe (girl)
65	MELINDA LANGLEY	8/6/03 - 8/12/03	3224152226200	JoPe (boy)
66	MELINDA LANGLEY	8/13/03 - 8/19/03	3231152548000	JoPe (boy)
67	MELINDA LANGLEY	12/10/03 - 12/16/03	3350152764300	JoPe (boy)
68	MELINDA LANGLEY	12/17/03 - 12/23/03	3357152226200	JoPe (boy)
69	MELINDA LANGLEY	12/24/03 - 12/30/03	3364153256800	JoPe (boy)
70	MELINDA LANGLEY	8/6/03 - 8/12/03	3224152218700	BrBr
71	MELINDA LANGLEY	8/13/03 - 8/19/03	3231152540900	BrBr
72	MELINDA LANGLEY	12/10/03 - 12/30/03	4034151491000	BrBr

All in violation of Title 18, United States Code, Sections 1347 and 2.

FALSE STATEMENTS

COUNTS 73 - 75

A. At all times material herein, the allegations of Count 1, Section A, are incorporated as though fully set forth herein.

B. On or about August 26, 2006, **ERNESTINE GIROD** met with Special Agents of the Federal Bureau of Investigation (FBI) and United States Department of Health and Human Services, Office of Inspector General (HHS-OIG) and gave a statement relative to, among other things, the care her children received from a **ANBNO** and other defendants identified herein.

C. On August 26, 2006, in the Eastern District of Louisiana, the defendant, **ERNESTINE GIROD**, did knowingly, willfully, and unlawfully make false, fraudulent and fictitious material statements and representations in a matter within the jurisdiction of the FBI and HHS-OIG, agencies of the United States; and that is, she made the following false, fraudulent and fictitious statements to Special Agents of the FBI and HHS-OIG:

COUNT	DATE	FALSE STATEMENTS
73	8/26/06	ERNESTINE GIROD falsely stated that an employee from ANBNO was present in her house for two hours per day with each child for a total of 6 hours per day.
74	8/26/06	ERNESTINE GIROD falsely stated that ANBNO employees came to her house every day for 6 hours per day, 7 days per week during the entire time her children were enrolled with ANBNO .
75	8/26/06	ERNESTINE GIROD falsely stated that AKASIA LEE did not pay her \$72 per week every two weeks, or pay her any amount, for billing Medicaid services rendered to GIROD'S children.

All in violation of Title 18, United States Code, Section 1001.

COUNTS 76 - 78

A. At all times material herein, the allegations of Count 1, Section A, are incorporated as though fully set forth herein.

B. On or about August 22, 2007, **UNA FAVORITE BROWN** met with Special Agents of the Federal Bureau of Investigation (FBI) and United States Department of Health and Human Services, Office of Inspector General (HHS-OIG) and gave a statement relative to, among other things, her employment with **ANBNO** and other defendants identified herein.

C. On August 22, 2007, in the Eastern District of Louisiana, the defendant, **UNA FAVORITE BROWN**, did knowingly, willfully, and unlawfully make false, fraudulent and fictitious material statements and representations in a matter within the jurisdiction of the FBI and HHS-OIG, agencies of the United States; and that is, she made the following false, fraudulent and fictitious statements to Special Agents of the FBI and HHS-OIG:

COUNT	DATE	FALSE STATEMENTS
76	8/22/07	UNA FAVORITE BROWN falsely stated that she saw the Morales children for two hours each and every day totaling 4 hours each day for not more than one year.
77	8/22/07	UNA FAVORITE BROWN falsely stated that she performed every service documented in the time sheets with her signatures.
78	8/22/07	UNA FAVORITE BROWN falsely stated that she washed the Morales boys' hair 2-3 times per week and assisted them with dressing and undressing.

All in violation of Title 18, United States Code, Section 1001.

A TRUE BILL:

FOREPERSON

JIM LETTEN
UNITED STATES ATTORNEY
Bar Roll No. 8517

JAN MASELLI MANN
Assistant United States Attorney
Chief, Criminal Division
Bar Roll No. 9020

PATRICE HARRIS SULLIVAN
Assistant United States Attorney
Bar Roll No. 14987

New Orleans, Louisiana
June 5, 2008