



# Department of Justice

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## **MIAMI MAN SENTENCED TO 41 MONTHS IN PRISON FOR HEALTH CARE FRAUD SCHEME**

### PRESS RELEASE

Timothy M. Morrison, United States Attorney for the Southern District of Indiana, announced that GABRIEL “REGGIE” HARDEN, 48, Miami, Florida, was sentenced to 41 months imprisonment today by U.S. District Judge Sarah Evans Barker following his guilty plea to health care fraud. This case was the result of a four year investigation by the Health and Human Services Inspector General and Indiana Attorney General Medicaid Fraud Control Unit.

Beginning around 1997, the defendant, Gabriel “Reggie” HARDEN, a resident of Miami, Florida, began a mobile dentistry business called Dental Express. HARDEN was the Chief Executive Officer of Dental Express. The business was a dentistry clinic housed in a recreational vehicle, and focused primarily on low income, Medicaid eligible clientele. The mobile would arrange for visits in advance, typically to inner city schools, day cares and subsidized housing projects. The business operated in Florida and North Carolina, then expanded to Indiana around September 2000, then Ohio around 2001.

Most of the business procedures, including protocols for treatment on the mobile, were well established by HARDEN by the time Dental Express expanded to Indiana and Ohio. Part of the standard protocol for treatment was to have dental assistants routinely apply sealants to a standard set of the patients’ teeth, including primary teeth. While the material used as a sealant was a material more commonly used for fillings, the entire nature of the procedure followed to apply the material to the teeth clearly made it a sealant. Moreover, while the dentists who worked on the mobile were instructed in this protocol, and frequently directed dental assistants to apply the sealants, they understood that the procedure was a sealant, and even if they did not direct that it be done, the dental assistants would often perform the sealants anyway.

Another part of the standard protocol for Dental Express was to take a complete set of x-rays for all patients. These were typically done at the direction of the dentists for diagnostic purposes, but even if a dentist did not order x-rays a complete set would always be taken.

Medicaid in Indiana and Ohio does not pay for sealants on primary teeth. Nevertheless, from the outset of its operation in Indiana and Ohio, the sealants, including those on primary teeth, were billed as fillings. While the actual billing to Medicaid occurred from offices in Indiana, the forms and instructions provided by HARDEN for billing from the outset established this billing protocol.

Shortly after the business began operating in Indiana and then Ohio, HARDEN learned that billing the sealant procedure as if they were fillings was not appropriate under Indiana and Ohio Medicaid reimbursement policies. The billings continued nonetheless. The business in Indiana and Ohio overlapped in many respects, including management and other personnel, but the business in Ohio ceased altogether sometime in 2001 after an investigation was begun by Medicaid fraud investigators in Ohio. Eventually the pressure to stop billing in this manner in Indiana mounted until October 2002, when some of the staff in Indiana insisted that billing for sealants as fillings stop. Dental Express stopped billing for sealants as fillings from that point until January 2004, at which time it started again, until May 2004, when the business was effectively shut down by the execution of a federal search warrant.

In addition, shortly after the business began operating in Indiana, the x-ray development equipment would periodically malfunction and x-rays were not able to be developed to have any diagnostic value. Nevertheless, a complete set of x-rays would invariably be taken, and billed to Medicaid regardless of their diagnostic value or medical necessity. Shortly after the business began operating in Indiana and then Ohio, HARDEN learned that there were problems with developing x-rays so that they had any diagnostic value. The x-rays continued to be taken nonetheless.

"We uncovered a case where this person thought they could manipulate the system for personal gain, using services to children and their families as a means to the end," said Attorney General Steve Carter. "Cases like this showcase the need for patients to be sensitive and alert to the types of information their health care provider is using along with knowing what services are being submitted for reimbursement."

The loss to the Indiana Medicaid program for sealants billed as fillings, including applying a credit for the reimbursement Medicaid would have paid for the sealants on secondary teeth, is \$1,458,641.50. The loss attributable to x-rays that had no diagnostic value is \$137,172.81, for a total of \$1,595,814.30. The loss to Ohio Medicaid is \$87,598.02. The total overall loss is \$1,686,412.30.

In addition, on August 15, 2001, HARDEN engaged in a monetary transaction exceeding \$10,000 through a financial institution with proceeds of the fraud described above by writing a check on a Dental Express operating account at Union Planter's Bank in the amount of \$11,000.

According to Assistant U.S. Attorney Winfield D. Ong, who prosecuted the case for the government, Judge Barker also imposed two years supervised release following HARDEN's release from imprisonment. HARDEN was ordered to make restitution in the amount of \$1,686,412.30.

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