



Department of Justice

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Southern District of Mississippi**

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MOSS POINT COUPLE CONVICTED OF \$18 MILLION HEALTH CARE FRAUD SCHEME

Gulfport, Miss - LaTania McMillan Rogers and Wayne Rogers, both of Moss Point, Mississippi, were convicted by a jury on May 24, 2010, of conspiracy to defraud the United States and theft of government funds, U.S. Attorney Donald R. Burkhalter announced today. LaTania McMillan Rogers was also convicted of three counts of health care fraud and two counts of making a false statement relating to health care. Both defendants were immediately taken into custody by the United States Marshal.

The evidence at trial showed that LaTania McMillan Rogers ran the day to day operations of Primary Physical Medicine, Inc., which had offices in Gautier, Durant, and Tupelo. Primary Physical Medicine, Inc., claimed to provide physical therapy services to Medicare beneficiaries in their homes. LaTania McMillan Rogers oversaw the scheme, which consisted of claims being submitted to Medicare representing that the therapy services had been provided by a doctor. None of the services that were billed to Medicare were provided by a doctor. Instead, the therapy services were overseen by Wayne Rogers, who was not a physician or a physical therapist. Although not qualified to do so, Wayne Rogers trained other employees to provide therapy services. These employees had no previous experience in physical therapy and were trained for about two weeks before being sent into the homes of Medicare beneficiaries alone. The defendants over-billed Medicare for the services they claimed to have rendered. Primary Physical Medicine, Inc., routinely submitted claims to Medicare that alleged the therapy services lasted between five to nine hours per patient, per day.

Over the course of eighteen months, the defendants billed Medicare for false claims of more than \$18,000,000.00 dollars, and were paid more than \$8,000,000.00.

Jim Davis Hull, a former municipal judge and attorney from Moss Point, testified during the trial. Hull had previously pleaded guilty to his role in Primary Physical Medicine, as well as two other so called "Physical Medicine" clinics. Hull is presently serving a five year sentence in federal prison.

LaTania McMillan Rogers will be sentenced at 10:00 a.m. and Wayne Rogers will be sentenced at 10:30 a.m. on August 2, 2010 by U.S. District Judge Walter J. Gex III in Gulfport. LaTania McMillan Rogers faces up to 60 years in prison and \$1.75 million in fines. Wayne Rogers faces up to 20 years in prison and \$500,000.00 in fines. The defendants will be forced to pay restitution, and the United States is seeking to forfeit over \$8,000,000.00 in ill-gotten gains.

This case was investigated by the Office of the Inspector General of the United States Department of Health and Human Services and the Federal Bureau of Investigation. Assistant United States Attorney Scott Gilbert and Special Assistant United States Attorney David Blank prosecuted the case on behalf of the United States.

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