

IN THE UNITED STATES DISTRICT COURT

APR 14 2010

FOR THE DISTRICT OF NEW MEXICO

MATTHEW J. DYKMAN
CLERK

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

CHRISTINE HORNING,)

Defendant.)

CRIMINAL NO. 10-981

Counts 1-15:

18 U.S.C. § 1341: Mail Fraud;

Counts 16-18:

18 U.S.C. § 1347: Health Care
Fraud;

Counts 19-26:

18 U.S.C. § 1028A(a)(1) and (c)(5):
Aggravated Identity Theft.

INDICTMENT

The Grand Jury charges:

The Scheme and Artifice to Defraud

1. Between on or about May 22, 2008, through on or about June 4, 2009, both dates being inclusive, in the District of New Mexico, the Defendant, **CHRISTINE HORNING**, devised and intended to devise a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, promises, and omissions, and for the purpose thereof, the Defendant knowingly and wilfully engaged in the acts and omissions as further set forth herein.
2. Presbyterian Health Care Services (PHS) is a health care service provider in Albuquerque, New Mexico.
3. PHS hired the Defendant in 2005 as a Benefits Analyst to work in the PHS pharmacy in Albuquerque, New Mexico.

4. As part of her job at PHS, the Defendant had no reason to enter the PHS computer database to generate checks to reimburse customers for prescriptions.

5. As part of her job at PHS, the Defendant had no authority to create transactions to cause the mailing of reimbursement checks.

6. As part of her scheme and artifice to defraud PHS, the Defendant, during the course of her employment with PHS:

a. accessed the PHS computer database used to generate checks to reimburse customers for prescriptions;

b. used legitimate customers' names and their Member ID's in order to create fraudulent reimbursement checks;

c. selected a drug for which the computer calculated a reimbursement check;

d. changed the name and/or address of the payee to receive the fraudulent reimbursement check;

e. caused the fraudulent PHS reimbursement checks to be mailed from SXC Health Solutions, Inc., in Illinois, to the payees (friends and relatives) designated by the Defendant, located in New Mexico and in Kansas;

f. convinced the payees (friends and relatives) who received the checks to provide the proceeds to the Defendant, unbeknownst to the friends and relatives that these were fraudulent checks;

g. caused seventeen (17) fraudulent checks totaling \$27,129.63 to be generated, fifteen (15) of which were cashed and the proceeds provided to the Defendant, totaling \$24,679.48.

Counts 1-15

7. Paragraphs 1-6 of this indictment are incorporated as part of these counts of the indictment as if fully re-alleged herein.

8. On or about the dates listed for each count below, in the District of New Mexico, the Defendant, **CHRISTINE HORNING**, devised and intended to devise a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, and for the purpose of executing the scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, knowingly and wilfully caused to be sent, delivered, and moved by the United States Postal Service and a commercial carrier, the following items, all of which were fraudulent customer reimbursement checks from SXC Health Solutions, Inc., in Illinois, addressed and delivered to the recipients listed below, whose identities are known to the Grand Jury:

<u>Count</u>	<u>Date of Check</u>	<u>Check Number</u>	<u>Mailed To</u>	<u>Amount of Check</u>
1	5/22/08	26128	Betty R. at the Defendant's address in New Mexico	\$1,045.49
2	6/19/08	26737	Mildred B. in Kansas	\$1,469.36
3	7/17/08	27392	Mildred B. in Kansas	\$1,663.40
4	8/28/08	28343	Mildred B. in Kansas	\$1,763.23
5	9/25/08	29015	Marcus R. in New Mexico	\$1,342.41
6	10/16/08	29466	Mildred B. in Kansas	\$2,131.83

<u>Count</u>	<u>Date of Check</u>	<u>Check Number</u>	<u>Mailed To</u>	<u>Amount of Check</u>
7	10/16/08	29467	Richard R. at the Defendant's address in New Mexico	\$1,881.83
8	11/13/08	30212	Richard R. in New Mexico	\$1,881.83
9	12/4/08	30693	Richard R. in New Mexico	\$1,881.83
10	1/1/09	31257	Paul M. in New Mexico	\$2,131.12
11	1/29/09	31838	Mildred B. in Kansas	\$1,338.52
12	3/26/09	32984	Mildred B. in Kansas	\$1,114.30
13	4/9/09	33310	Mildred B. in Kansas	\$1,485.06
14	4/23/09	33581	Mildred B. in Kansas	\$1,767.60
15	4/30/09	33728	Mildred B. in Kansas	\$1,781.67
			TOTAL	\$24,679.48

In violation of 18 U.S.C. § 1341.

Counts 16-18

9. Paragraphs 1-6 of this indictment are incorporated as part of these counts of the indictment as if fully re-alleged herein.

10. The Medicaid Salud Program is a health care benefit program.

11. Presbyterian Insurance Company is a health care benefit program.

12. Presbyterian Employees Plan is a health care benefit program.

13. The Defendant, **CHRISTINE HORNING**, knowingly and intentionally executed her scheme as stated in Paragraphs 1-6 to obtain, by means of false and fraudulent pretenses, representations, and promises, money and property owned by, and under the custody and control of, a health care benefit program, in connection with

the delivery of and payment for health care benefits, items, and services, that is, the Defendant obtained the proceeds from fraudulent customer reimbursement checks totaling \$24,679.48 from the following health care benefit programs in the following amounts:

<u>Count</u>	<u>Health Care Benefit Program</u>	<u>Amount</u>
16	Medicaid Salud Program	\$16,646.09
17	Presbyterian Insurance Company	\$ 6,690.98
18	Presbyterian Employees Plan	\$ 1,342.41
	TOTAL	\$24,679.48

In violation of 18 U.S.C. § 1347.

Counts 19-26

14. On or about the dates listed below, in Bernalillo County, in the District of New Mexico, the Defendant, **CHRISTINE HORNING**, did knowingly use, without lawful authority, a means of identification of another real person as defined in 18 U.S.C. § 1028(d)(7), during and in relation to a violation of 18 U.S.C. § 1341, mail fraud (as charged in each Count 1-15), by using a unique electronic identification number for customers (whose identities are known to the Grand Jury) of Presbyterian Health Care Services (PHS), that being the PHS Member ID, knowing each of these customers to be real people, and knowingly and fraudulently using each customer name and Member ID listed below in order to generate fraudulent reimbursement checks, unbeknownst to these customers, for the benefit of the Defendant and not the customers.

<u>Count</u>	<u>PHS Legitimate Customer Name</u>	<u>PHS Member ID Number (last four digits)</u>	<u>Date of Check</u>	<u>Check Number</u>	<u>Amount of Check</u>
19	Matthew B.	-3600	6/19/08	26737	\$ 1,469.36
20	Ryan B.	-4200	7/17/08 8/28/08	27392 28343	\$ 1,663.40 \$ 1,763.23
21	Alyssa B.	-7300	10/16/08	29466	\$ 2,131.83
22	Paul M.	-2600	1/1/09	31257	\$ 2,131.12
23	Melissa B.	-4900	3/26/09 4/9/09 4/23/09	32984 33310 33581	\$ 1,114.30 \$ 1,485.06 \$ 1,767.60
24	Alexiah B.	-1400	1/29/09 5/21/09 6/4/09	31838 34131 34402	\$ 1,338.52 \$ 1,150.15 \$ 1,300.00
25	Richard R.	-3701	5/22/08 10/16/08 11/13/08	26128 29467 30212	\$ 1,045.49 \$ 1,881.83 \$ 1,881.83
26	Betty R.	-3700	12/4/08	30693	\$ 1,881.83
				TOTAL	\$24,005.55

In violation of 18 U.S.C. § 1028A.

A TRUE BILL:

/s/
FOREPERSON OF THE GRAND JURY

Assistant United States Attorney

04/07/10 8:23am