

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

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| UNITED STATES OF AMERICA | * | CRIMINAL |
| VERSUS | * | DOCKET NO. 10-016 |
| WINDSOR S. DENNIS, M.D. | * | SECTION: "B" |

FACTUAL BASIS

If this matter were to proceed to trial, the government would prove the following facts through competent physical and testimonial evidence:

The government would introduce into evidence the medical licensure documentation establishing that Dr. Dennis was a licensed physician during the time period covered by this indictment. The government would also introduce Orleans Parish property records indicating that Dr. Dennis was the owner of property located at 2700 LaSalle Street. Billing records would confirm that this address was where Dr. Dennis engaged in his medical practice.

A representative from the United States Department of Labor, Office of Workers' Compensation Programs (DOL-OWCP) would testify that OWCP provided medical benefits to United States Postal Service employees who were injured on the job by paying for physician services and physical therapy treatments. The DOL-OWCP representative would also testify that Dr. Dennis was authorized to submit, and did submit, medical claims for postal employees from on or about August 28, 2005, until August 20, 2006. That representative would introduce a

HCFA 1500, the recognized claim form used by health care providers for submitting claims for payment, which was dated and signed by Dr. Dennis on July 28, 2006, and received by DOL-OWCP on August 9, 2006. The completed form contained the date of service, the place of service, the service provided, the name of the facility where the services were rendered, the physician and the supplier of the service. HCFA claim form dated July 28, 2006, for claim no. 00622171031007383 sought payment for services provided to CaAl on January 13, 2006, February 10, 2006, and March 17, 2006, for providing office examinations to CaAl.

The government would request that the court take judicial notice of the landfall of Hurricane Katrina upon the New Orleans metropolitan area on August 29, 2005. The owner of the convenience store adjacent to Dr. Dennis' office would testify that her business as well as the medical office was flooded as a result of the hurricane.

CaAl would testify that in January through March, 2006, she was a postal employee on workman's compensation and was a patient of Dr. Dennis before Hurricane Katrina and that after the hurricane, she moved to Baton Rouge in order to seek employment. CaAl would add that she has never gone to Dr. Dennis' residence for any type of medical treatment or prescriptions after Hurricane Katrina. CaAl would testify that she did not receive the services for which Dr. Dennis billed on July 28, 2006.

Joe Legania would testify that he began working for Dr. Dennis in 2001 or 2002. He would describe his job with Dr. Dennis as an office manager, including helping with patient exams, assisting with physical therapy, billing, answering the telephones, and cleaning of the office. Mr. Legania would explain that since August 2005, he was Dr. Dennis' only employee.

Mr. Legania would testify that Dr. Dennis' office was not reopened until July 16, 2006, and that any claims for services rendered before that date would not be correct.

A representative from DOL-OWCP would testify that Dr. Dennis submitted claims totaling approximately \$102,053 and was paid approximately \$80,019 by the OWCP. Mr. Legania and the patients for whom claims were submitted would testify as to the falsity of those claims.

PATRICE HARRIS SULLIVAN (14987)
Assistant United States Attorney
DATE: _____

DENNIS S. WINDSOR, M.D.
Defendant
DATE: _____

MICHAEL ELLIS
Counsel for Defendant
DATE: _____