

No. 11-

UNITED STATES DISTRICT COURT

Eastern District of Pennsylvania

Criminal Division

THE UNITED STATES OF AMERICA

vs.

Elissa Jo Benoit  
a/k/a "Elissa Jo Woodley"

INDICTMENT

Counts

- 18 U.S.C. § 1347 (health care fraud - 25 counts)**
- 18 U.S.C. § 1028A (aggravated identity theft - 25 counts)**
- 21 U.S.C. § 841(a)(1) (distribution of controlled substances - 8 counts)**
- 21 U.S.C. § 859(a) (distribution of controlled substances to persons under age 21 - 17 counts)**
- 18 U.S.C. § 2 (aiding and abetting)**

A true bill.

Foreman

Filed in open court this ..... day,

of ..... A.D. 20 .....

Clerk

Bail, \$ .....

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	:	<b>CRIMINAL NO. 11-_____</b>
<b>v.</b>	:	<b>DATE FILED: _____</b>
<b>ELISSA JO BENOIT</b>	:	<b>VIOLATIONS:</b>
<b>aka "Elissa Jo Woodley"</b>	:	<b>18 U.S.C. § 1347 (health care fraud</b>
	:	<b>- 25 counts)</b>
	:	<b>18 U.S.C. § 1028A (aggravated</b>
	:	<b>identity theft - 25 counts)</b>
	:	<b>21 U.S.C. § 841(a)(1) (distribution</b>
	:	<b>of controlled substances - 8</b>
	:	<b>counts)</b>
	:	<b>21 U.S.C. § 859(a) (distribution of</b>
	:	<b>controlled substances to persons</b>
	:	<b>under age 21 - 17 counts)</b>
	:	<b>18 U.S.C. § 2 (aiding and</b>
	:	<b>abetting)</b>
	:	<b>Notice of Forfeiture</b>

**INDICTMENT**

**COUNTS ONE THROUGH TWENTY-FIVE**

**(Health Care Fraud)**

**THE GRAND JURY CHARGES THAT:**

At all times material to this indictment:

**INTRODUCTION**

1. Transition Phase III, a Pennsylvania corporation, identified itself as "[t]he only 'Trauma Specific' Mental Health Clinic in the Tri-State area." Its location was listed as Presidential City, 3900 City Avenue, Suite 1207, Philadelphia, Pennsylvania 19131.

2. Defendant ELISSA JO BENOIT, aka "Jo Benoit" and "Elissa J. Woodley," was the founder and CEO of Transition Phase III. At times, she held herself out as a licensed

therapist and she referred to herself as “doctor.” However, defendant BENOIT is not and never has been a licensed therapist, physician or medical doctor.

3. Defendant ELISSA JO BENOIT and Transition Phase III were never licensed or otherwise authorized to write prescriptions in Pennsylvania or anywhere else.

4. TRICARE, a Department of Defense Federal Health Care Program, Magellan Health Services, Inc., Aetna, Inc., United Healthcare Corp., Bravo Health, Inc., and Oxford Health were “health care benefit programs” as defined in 18 U.S.C. § 24(b)

**PRESCRIPTIONS FOR SCHEDULE II CONTROLLED SUBSTANCES**

5. Pursuant to Title 21, United States Code, Section 811, drugs were classified into certain schedules (Schedules I-IV) based in part, among other factors, on an evaluation of the drug’s (a) potential for abuse, (b) history and patterns of abuse, (c) scope, duration and significance of abuse, (d) risk to the public health, and (e) psychic or psychological dependence liability. The greater the risk for abuse and more significant the danger to the public, among other factors, the more likely a drug would be placed in a higher Schedule. Schedule I drugs were those with a high potential for abuse, no currently accepted medical use in the United States, and a lack of accepted safety for use under medical supervision. Schedule II drugs were the next most restricted types of drugs, in part because of their potential for abuse and addictiveness and because of the potential for danger to society.

6. Schedule II drugs, such as Adderall (dextroamphetamine/amphetamine composite), Concerta (methylphenidate HCl), and Vyvanse (lisdexamfetamine), required a valid prescription that was written by a healthcare provider authorized by law to write such prescriptions. A prescription for such a controlled substance was required to be written in ink or indelible pencil or typewritten and must be manually signed by the practitioner on the date when issued.

7. Federal regulations required that a prescription for a controlled substance could only be issued by a physician, dentist, podiatrist, veterinarian, mid-level practitioner, or other registered practitioner who was: (a) Authorized to prescribe controlled substances by the jurisdiction in which the practitioner is licensed to practice; (b) Registered with DEA or exempted from registration (that is, Public Health Service, Federal Bureau of Prisons, or military practitioners); (c) An agent or employee of a hospital or other institution acting in the normal course of business or employment under the registration of the hospital or other institution which was registered in lieu of the individual practitioner being registered provided that certain additional requirements are met.

8. Under Pennsylvania's Controlled Substances, Drugs, Device, and Cosmetic Act, the only persons authorized to write and sign prescriptions for Schedule II controlled substances (except in emergency situations, as prescribed by the Secretary of Health of the Commonwealth of Pennsylvania by regulation) were "Practitioners," defined as: (i) a physician, osteopath, dentist, veterinarian, pharmacist, podiatrist, nurse, scientific investigator, or other person licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance, other drug or device in the course of professional

practice or research in the Commonwealth of Pennsylvania; (ii) a pharmacy, hospital, clinic or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance, other drug or device in the course of professional practice or research in the Commonwealth of Pennsylvania.

**NATIONAL PROVIDER IDENTIFIER NUMBERS  
AND BILLING FOR PROVIDER SERVICES**

9. In addition to the requirements regarding writing prescriptions for Schedule II Controlled Substances, the Centers for Medicare & Medicaid Services (“CMS”) required the use of National Provider Identifier (“NPI”) Numbers as the only health care provider identifier that could be used for identification purposes in standard transactions by covered entities (*i.e.*, health plans, health care clearinghouses, and those health care providers who transmit any health information in electronic form in connection with a transaction for which the Secretary of Health and Human Services has adopted a standard). Any health care provider (individual or organization) who sent electronic health care claims to a health plan, was a covered provider that was required to obtain an NPI. The NPI was a ten (10) digit numerical number unique to the health care provider. The purpose of the NPI was to uniquely identify a health care provider in standard transactions, such as health care claims. As a result, in order to submit claims for payment of services, billing entities (such as Transition Phase III) were typically required to provide the code for the services rendered and were required to provide the NPI for the professional who provided services to the patient. The NPI number was used to identify the individual physicians who were authorized to provide services and to provide reimbursement for the services actually provided by those health care providers.

**THE SCHEME TO DEFRAUD**

It was part of the scheme to defraud that:

10. At least as early as 2009, to maintain the state Certificate of Compliance for Mental Health Psychiatric Outpatient Clinics for Transition Phase III, defendant ELISSA JO BENOIT identified two psychiatrists, referred to here as “Doctor No. 1” and “Doctor No. 2,” as the physicians who were purportedly working at Transition Phase III.

11. Dr. No. 1 was a psychiatrist who was employed part-time at Transition Phase III in December 2008, and who stopped working at Transition Phase III on or about February 3, 2009. Dr. No. 1 did not see any Transition Phase III patients or write prescriptions for any Transition Phase III patients after he stopped working there, and never authorized defendant ELISSA JO BENOIT or any other person to issue prescriptions in his name or sign his name on any prescriptions.

12. Dr. No. 2 was a psychiatrist who was employed part-time at Transition Phase III in March 2009 and did not continue to work at Transition Phase III after on or about October 17, 2009. Dr. No. 2 did not see any Transition Phase III patients or write any prescriptions for any Transition Phase III patients after he stopped working there, and never authorized defendant ELISSA JO BENOIT or any other person to issue prescriptions in his name or sign his name on any prescriptions.

13. After these two physicians stopped working at Transition Phase III, defendant ELISSA JO BENOIT fraudulently wrote and signed prescriptions in their names for Transition Phase III patients, at times on a prescription pad bearing the name "Transition Phase III." Defendant BENOIT also called prescriptions in to pharmacies by telephone on behalf of Transition Phase III patients, purportedly on behalf of Dr. No. 2.

14. Even after the physicians stopped working at Transition Phase III, defendant ELISSA JO BENOIT continued to submit documents to the Commonwealth of Pennsylvania in order to maintain the state Certificate of Compliance for Mental Health Psychiatric Outpatient Clinics, falsely asserting that Dr. No. 1 was working at Transition Phase III for 30 hours per week and that Dr. No. 2 was working at Transition Phase III for 15 hours per week.

15. Defendant ELISSA JO BENOIT, however, posed as a physician and/or a therapist after the departures of Dr. No. 1 and Dr. No. 2 and continued to examine patients and purported to diagnose and treat them. Defendant BENOIT would see patients at the Transition Phase III clinic and provided certain patients with prescriptions in the names of Dr. No. 1 and Dr. No. 2, including prescriptions for Schedule II drugs such as Adderall (dextroamphetamine/amphetamine composite), Concerta (methylphenidate HCl), and Vyvanse (lisdexamfetamine), all of which required a valid prescription written by a healthcare provider authorized by law to write such prescriptions. Defendant BENOIT issued fraudulent prescriptions for Schedule II controlled substances to patients under the age of 18, including one patient who was as young as four years of age.

16. Although the Commonwealth of Pennsylvania rescinded on or about April 8, 2011 the psychiatric clinic license it had issued to Transition Phase III, defendant ELISSA JO BENOIT continued to operate the clinic and examined patients as late as July 2011.

17. Defendant ELISSA JO BENOIT submitted fraudulent claims to TRICARE, a Department of Defense health care benefit program, and health care insurers, Magellan Health Services, Inc., Aetna, Inc., United Healthcare Corp., Bravo Health, Inc., and Oxford Health for the services purportedly provided by Dr. No. 1 after he stopped working at Transition Phase III and was no longer seeing or treating any Transition Phase III patients. In order to receive reimbursement from the health care benefit program, defendant BENOIT used the National Provider Identifier (“NPI”) number for Dr. No. 1. In total, defendant BENOIT submitted more than \$450,000 worth of fraudulent claims to health care benefit programs for services that were not provided by Dr. No. 1.

18. From on or about February 4, 2009, or earlier, and continuing until on or about July 11, 2011, in the Eastern District of Pennsylvania, defendant

**ELISSA JO BENOIT**  
**aka “Elissa Jo Woodley”**

knowingly and willfully executed a scheme and artifice to defraud each of the health care benefit programs listed below, and to obtain money and property owned by and under the custody and control of those health care benefit programs by means of false and fraudulent pretenses, representations, and promises, in connection with the delivery of and payment for health care benefits, items and services, by submitting and causing to be submitted fraudulent health care insurance claims for services purportedly provided to each of the individuals listed below by the

providers identified below, in the approximate amounts listed below (each claim constituting a separate count of this indictment), when, in fact, no such provider provided any services:

Count	Approximate Date of Visit	Approximate Date of Claim	Patient Initials	Health Care Benefit Program Billed	Amount Claimed	Provider Listed for Services
1	2/2/2010	2/4/2010	T. Mc.	Magellan	\$ 140	Dr. No. 1
2	2/22/2010	3/3/2010	D. Ga.	Tricare	\$ 100	Dr. No. 1
3	2/22/2010	2/26/2010	J. Ga.	Tricare	\$ 250	Dr. No. 1
4	4/22/2010	4/28/2010	J. Ma.	Tricare	\$ 200	Dr. No. 1
5	4/27/2010	4/30/2010	A. Ch.	Magellan	\$ 130	Dr. No. 1
6	5/20/2010	5/26/2010	J. Ma.	Tricare	\$ 200	Dr. No. 1
7	5/25/2010	12/21/2010	D. St.	Aetna	\$ 200	Dr. No. 1
8	5/27/2010	5/31/2010	A. He.	Magellan	\$ 100	Dr. No. 1
9	6/16/2010	6/18/2010	S. Sc.	United	\$ 100	Dr. No. 1
10	8/11/2010	8/12/2010	S. Iu.	Aetna	\$ 150	Dr. No. 1
11	9/8/2010	9/10/2010	T. Mc.	Magellan	\$ 100	Dr. No. 1
12	9/23/2010	10/1/2010	B. Bl.	Tricare	\$ 235	Dr. No. 1
13	9/24/2010	10/27/2010	K. Bl.	Tricare	\$ 100	Dr. No. 1
14	9/25/2010	10/27/2010	J. Ga.	Tricare	\$ 230	Dr. No. 1
15	10/11/2010	10/13/2010	T. Ca.	Magellan	\$ 130	Dr. No. 1
16	10/12/2010	10/13/2010	S. Iu.	Aetna	\$ 100	Dr. No. 1
17	10/12/2010	10/15/2010	J. Ti.	Tricare	\$ 100	Dr. No. 1
18	10/20/2010	10/25/2010	N. Ra.	Tricare	\$ 100	Dr. No. 1
19	10/20/2010	10/27/2010	T. Sy.	Aetna	\$ 150	Dr. No. 1
20	11/11/2010	11/17/2010	L. To.	Tricare	\$ 200	Dr. No. 1
21	11/22/2010	12/1/2010	I. Co.	Tricare	\$ 200	Dr. No. 1
22	12/28/2010	1/7/2011	D. Ga.	Tricare	\$ 200	Dr. No. 1
23	12/30/2010	1/7/2011	E. Ca.	Tricare	\$ 100	Dr. No. 1
24	1/13/2011	1/14/2011	L. Mo.	Aetna	\$ 100	Dr. No. 1
25	2/17/2011	3/11/2011	K. Mc.	United	\$ 100	Dr. No. 1

All in violation of Title 18, United States Code, Section 1347.

**COUNTS TWENTY-SIX THROUGH FIFTY****(Aggravated Identity Theft)****THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1 through 18 of Counts 1 through 25 are incorporated here.
2. On or about each of the dates identified below, in the Eastern District of

Pennsylvania, defendant

**ELISSA JO BENOIT  
aka "Elissa Jo Woodley,"**

during and in relation to a health care fraud offense in violation of Title 18, United States Code, Section 1347, as alleged in Counts One through Twenty-Five, did knowingly use, without lawful authority, a means of identification of another person, that is, the name and National Provider Identifier ("NPI") number of the physicians identified below:

Count	Approximate Date of Visit	Approximate Date of Fraudulent Use of Name and National Provider Identification Number	Patient Initials	Physician Whose Name and National Provider Identifier Number was Fraudulently Used
26	2/2/2010	2/4/2010	T. Mc.	Dr. No. 1
27	2/22/2010	3/3/2010	D. Ga.	Dr. No. 1
28	2/22/2010	2/26/2010	J. Ga.	Dr. No. 1
29	4/22/2010	4/28/2010	J. Ma.	Dr. No. 1
30	4/27/2010	4/30/2010	A. Ch.	Dr. No. 1
31	5/20/2010	5/26/2010	J. Ma.	Dr. No. 1
32	5/25/2010	12/21/2010	D. St.	Dr. No. 1
33	5/27/2010	5/31/2010	A. He.	Dr. No. 1
34	6/16/2010	6/18/2010	S. Sc.	Dr. No. 1
35	8/11/2010	8/12/2010	S. lu.	Dr. No. 1

Count	Approximate Date of Visit	Approximate Date of Fraudulent Use of Name and National Provider Identification Number	Patient Initials	Physician Whose Name and National Provider Identifier Number was Fraudulently Used
36	9/8/2010	9/10/2010	T. Mc.	Dr. No. 1
37	9/23/2010	10/1/2010	B. Bl.	Dr. No. 1
38	9/24/2010	10/27/2010	K. Bl.	Dr. No. 1
39	9/25/2010	10/27/2010	J. Ga.	Dr. No. 1
40	10/11/2010	10/13/2010	T. Ca.	Dr. No. 1
41	10/12/2010	10/13/2010	S. Iu.	Dr. No. 1
42	10/12/2010	10/15/2010	J. Ti.	Dr. No. 1
43	10/20/2010	10/25/2010	N. Ra.	Dr. No. 1
44	10/20/2010	10/27/2010	T. Sy.	Dr. No. 1
45	11/11/2010	11/17/2010	L. To.	Dr. No. 1
46	11/22/2010	12/1/2010	I. Co.	Dr. No. 1
47	12/28/2010	1/7/2011	D. Ga.	Dr. No. 1
48	12/30/2010	1/7/2011	E. Ca.	Dr. No. 1
49	1/13/2011	1/14/2011	L. Mo.	Dr. No. 1
50	2/17/2011	3/11/2011	K. Mc.	Dr. No. 1

All in violation of Title 18, United States Code, Section 1028A(a)(1), (c).

**COUNTS FIFTY-ONE THROUGH FIFTY-EIGHT****(Distribution of Controlled Substances)****THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1 through 18 of Counts 1 through 25 are incorporated here.
2. On or about the dates identified below, in the Eastern District of Pennsylvania, defendant

**ELISSA JO BENOIT**  
aka "Elissa Jo Woodley"

knowingly and intentionally distributed and dispensed and aided and abetted the distribution and dispensing of the following Schedule II Controlled Substances:

Count	Approximate Date Prescription was Filled	Patient Initials	Schedule II Controlled Substance	Physician Name Used by Defendant for Prescription
51	4/30/2010	A. Ch.	Amphetamine Mixture	Dr. No. 1
52	6/19/2010	S. Sc.	Amphetamine Mixture	Dr. No. 1
53	10/11/2010	T. Ca.	Dextroamphetamine Sulfate (Dexedrine)	Dr. No. 1
54	10/12/2010	J. Ti.	Dextroamphetamine Sulfate (Dexedrine)	Dr. No. 1
55	10/20/2010	N. Ra.	Amphetamine (Adderall)	Dr. No. 1
56	1/4/2011	E. Ca.	Amphetamine (Adderall)	Dr. No. 1
57	1/20/2011	L. Mo.	Amphetamine Mixture	Dr. No. 1
58	2/18/2011	K. Mc.	Amphetamine (Adderall)	Dr. No. 1

All in violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C) and Title 18, United States Code, Section 2.

**COUNTS FIFTY-NINE THROUGH SEVENTY-FOUR****(Distribution of Controlled Substances to Persons Under Age Twenty-One)****THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1 through 18 of Counts One through Twenty-Five are incorporated here.
2. On or about the dates identified below, in the Eastern District of Pennsylvania, defendant

**ELISSA JO BENOIT  
aka "Elissa Jo Woodley,"**

being a person at least eighteen years of age, knowingly and intentionally distributed and aided and abetted the distribution of the following Schedule II controlled substances, to persons under twenty-one years of age:

Count	Approximate Date Prescription was Filled	Patient Initials	Date of Birth of Patient	Schedule II Controlled Substance	Physician Name Used by Defendant for Prescription
59	2/2/2010	T. Mc.	2/26/2002	Dextroamphetamine Sulfate (Dexedrine)	Dr. No. 1
60	2/22/2010	D. Ga.	11/16/2000	Concerta ER (Methylphenidate HCL 18)	Dr. No. 1
61	2/22/2010	J. Ga.	8/8/2000	Concerta ER (Methylphenidate HCL 18)	Dr. No. 1
62	4/23/2010	J. Ma.	5/26/2003	Concerta ER (Methylphenidate HCL 18)	Dr. No. 2
63	5/20/2010	J. Ma.	5/26/2003	Amphetamine (Adderall)	Dr. No. 2
64	5/26/2010	D. St.	10/17/1990	Amphetamine Mixture	Dr. No. 1
65	5/29/2010	A. He.	5/9/2003	Amphetamine Mixture	Dr. No. 2
66	8/13/2010	S. Iu.	2/8/1999	Amphetamine Mixture	Dr. No. 1
67	9/15/2010	T. Mc.	2/26/2002	Vyvanse (Lisdexamphetamine Dimesylate)	Dr. No. 1
68	9/23/2010	B. Bl.	7/4/2003	Amphetamine (Adderall)	Dr. No. 1

Count	Approximate Date Prescription was Filled	Patient Initials	Date of Birth of Patient	Schedule II Controlled Substance	Physician Name Used by Defendant for Prescription
69	9/23/2010	K. Bl.	2/11/2006	Amphetamine (Adderall)	Dr. No. 1
70	9/26/2010	J. Ga.	8/8/2000	Amphetamine (Adderall)	Dr. No. 1
71	10/13/2010	S. Iu.	2/8/1999	Vyvanse (Lisdexamphetamine Dimesylate)	Dr. No. 1
72	10/20/2010	T. Sy.	12/26/1996	Amphetamine Mixture	Dr. No. 1
73	11/11/2010	L. To.	1/31/1997	Amphetamine (Adderall XR)	Dr. No. 1
74	11/23/2010	I. Co.	3/20/2002	Amphetamine Mixture	Dr. No. 1
75	1/02/2011	D. Ga.	11/16/2000	Vyvanse (Lisdexamphetamine Dimesylate)	Dr. No. 1

All in violation of Title 21, United States Code, Section 859(a), and Title 18,

United States Code, Section 2.

**NOTICE OF FORFEITURE**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. As a result of the violations of Title 21, United States Code, Section 841(a)(1), and Title 21, United States Code, Section 859(a), as set forth in this indictment, defendant

**ELISSA JO BENOIT**

shall forfeit to the United States of America any property, real or personal, that constitutes or is derived from proceeds traceable to the commission of such offenses and/or that is property used to facilitate the distribution of controlled substances, including, but not limited to:

- (a) iMac A1224 computer, serial number QP9300910TH;
- (b) Dell Dimension 2350 computer, serial number BKZ1P71;
- (c) Dell Dimension B110 computer, serial number FSQ4291;
- (d) Dell Optiplex GX260 computer, serial number CHPPR11;
- (e) Chembook L8400 computer, serial number NB02038400ET14W109;
- (f) Dell Dimension 2100 computer, serial number 2151911;
- (g) Dell Dimension 4700 computer, serial number 242FM51;
- (h) Compaq Presario 5000, serial number 1X08FPMGY35A;
- (i) Compaq Presario SR5410F computer, serial number CNX8112LY4; and
- (j) Sharp Wizard Electronic Planner, serial number 511016.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant(s) up to the value of the property subject to forfeiture.

All pursuant to Title 21, United States Code, Section 853.

**NOTICE OF FORFEITURE**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. As a result of the violation of Title 18, United States Code, Section 1347, set forth in this indictment, defendant

**ELISSA JO BENOIT**

shall forfeit to the United States of America any property that constitutes or is derived from gross proceeds traceable to the commission of such offense(s), including, but not limited to, the sum of approximately \$ 315,000 paid for false claims, and any other accounts and proceeds of these offenses.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant(s):

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b),

incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant(s) up to the value of the property subject to forfeiture.

All pursuant to Title 18, United States Code, Section 982(a)(7).

A TRUE BILL:

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GRAND JURY FOREPERSON



ZANE DAVID MEMEGER  
United States Attorney