

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

UNITED STATES OF AMERICA )

v. )

KAREN L. BUTLER )

) INFORMATION NO.

) 18 U.S.C. § 371

) Conspiracy

) CR 419 - 166

U.S. DISTRICT COURT  
SAVANNAH DIV.  
2019 SEP 24 PM 4:27  
S.D. DIST. OF GA.

THE UNITED STATES ATTORNEY CHARGES THAT:

Introduction

At all times material to this Information:

1. Beginning no later than July 2017 and continuing through March 2019, Karen L. Butler, together with known and unknown co-conspirators, in the Southern District of Georgia and elsewhere, conspired to engage in an international fraud and kickback scheme targeted at the Medicare program that led to over \$38 million in fraudulent claims being submitted for genetic testing, durable medical equipment, and pain creams ordered by Butler.

2. The Medicare Program, a “health care benefit program” as defined by 18 U.S.C § 24, is a federally-funded health insurance system for eligible persons 65 years of age and older, and certain disabled persons. Medicare is administered by the Centers for Medicare and Medicaid Services (“CMS”), a federal agency under the United States Department of Health and Human Services.

3. The Medicare Advantage Program, known as Medicare Part C, offers

beneficiaries a managed care option by allowing individuals to enroll in private health plans rather than having their care covered through Medicare Part A and Part B. CMS contracts with Medicare Advantage programs to provide medically necessary health services to beneficiaries; in return, CMS makes monthly payments for enrolled beneficiaries to the Medicare Advantage programs.

4. After receiving a Medicare National Provider Identifier (“NPI”) and Provider Transaction Access Number, a provider can submit bills to Medicare, known as “claims,” in order to obtain reimbursement for items or services provided to Medicare beneficiaries. Claims to Medicare are typically submitted electronically and require certain information, including (a) the Medicare beneficiary’s name and identification number, (b) identification of the benefit, item, or service provided or supplied to the Medicare beneficiary, (c) the billing code for the benefit, item, or service, (d) the date upon which the benefit, item, or health services was provided, and (e) the name and NPI of the medical practitioner who ordered the service, treatment, benefit, or item.

5. To qualify for payment, the health care benefit, item or service must have been ordered by a licensed medical practitioner, medically necessary, provided as billed, and provided in compliance with applicable laws.

**COUNT ONE**  
*Conspiracy*  
18 U.S.C. § 371

6. The allegations of paragraphs 1 through 5 of this Indictment are hereby realleged and incorporated as if fully set forth herein.

7. Beginning no earlier than July 2017, the exact date being unknown, and continuing thereafter until at least in or about March 2019, within the Southern District of Georgia and elsewhere, Karen Butler did knowingly and willfully combine, conspire, confederate, and agree with others known and unknown to commit one or more offense against the United States, that is, to knowingly and willfully make and use a materially false writing and document, orders for orthotics and other items, knowing the same to contain materially false, fictitious, and fraudulent statements and entries, to wit, that Butler examined patients she did not examine, in connection with the delivery of and payment for health care benefits, items, and services involving a health care benefit program as defined in 18 U.S.C. § 24(b), all in violation of Title 18, United States Code, Section 1035.

Purpose of the Conspiracy

8. It was the purpose of the conspiracy for Butler and others to enrich themselves and maximize profits at the expense of the United States and Medicare patients in the following scheme.

Manner and Means of the Conspiracy

9. It was part of the conspiracy that, beginning at least as early as January 2017, the exact date being unknown, and continuing thereafter until at least in or about March 2019, Butler and others were part of a nationwide “telemedicine” scheme:

- a. Individuals unknown to Butler, and with no involvement by Butler, developed a scheme that targeted the Medicare program to obtain millions of dollars in reimbursement for orthotics and other items.
  - b. Individuals unknown to Butler, and with no involvement by Butler, obtained the identities and insurance information of Medicare and other elderly patients through a series of call centers
  - c. Individuals unknown to Butler, and with no involvement by Butler, sought to sell this information to durable medical equipment companies or pharmacies, located within numerous districts across the country, including, among others, Georgia, Florida, and California.
  - d. Individuals unknown to Butler, and with no involvement by Butler, who were located within numerous districts across the country, including, among others, Georgia, Florida, and California, sought to purchase this information in order to ultimately bill to Medicare and other payors for items ordered for these beneficiaries.
  - e. Individuals known and unknown, and with no involvement by Butler, located in Florida and locations across the country, decided to solicit physicians to write orders for braces and other items so that the items could be billed to Medicare and other federal health program beneficiaries, in exchange for a payment to these physicians.
10. At all relevant times, Karen Butler resided in the Southern District of Georgia, and is and was a physician licensed in the State of Georgia.

11. As a physician, Karen Butler knew that she owed a duty to any patient she treated, even through a “telemedicine” arrangement.

12. Among thousands of other patients in Georgia and elsewhere, Butler owed a duty to patients located within the Southern District of Georgia and elsewhere whom Butler prescribed orthotics.

13. Butler was recruited to write orders for braces and other items for “telemedicine” patients. She would receive a small fee per diagnostic “consultation” she performed.

14. While practicing medicine in the Southern District of Georgia, Butler directly or indirectly received compensation from individuals and companies located in Florida and elsewhere and, in exchange, agreed to sign and did in fact sign orders for orthotics and other items reimbursable by Medicare and others.


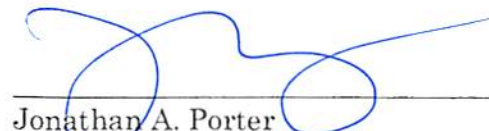
15. Butler used facilities in interstate or foreign commerce, including an internet-based program used to sign digitally medical records that could be sent to companies located across the country, including to the ultimate purchasers.

16. As part of this scheme and with the purpose of carrying out or accomplishing an object of the conspiracy, Butler signed false medical records describing “consultations” of Medicare patients, including R.F., certified she performed examinations never actually conducted, and certified tests never actually performed, all of which was expected and required by Medicare to pay a claim.

Overt Acts

17. Butler knowingly and willfully signed these false medical records, including those of R.F., knowing them to contain materially false, fictitious, or fraudulent statements, and knowing them to be connected with the delivery of or payment for health care benefits, items, or services involving a health care benefit program, in violation of Title 18, United States Code, Section 1035.

All in violation of Title 18, United States Code, Section 371.

  
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