

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

UNITED STATES OF AMERICA	:	CRIMINAL NO. 25_____
v.	:	DATE FILED _____
HEMAL PATEL	:	VIOLATIONS:
	:	18 U.S.C. § 1343 (wire fraud – 2 counts)
	:	18 U.S.C. § 1028A (aggravated identity theft – 2 counts)
	:	18 U.S.C. § 371 (conspiracy – 1 count)
	:	Notice of forfeiture

INFORMATION

COUNTS ONE AND TWO

THE UNITED STATES ATTORNEY CHARGES THAT:

At all times material to this information:

BACKGROUND

1. Defendant HEMAL PATEL was a resident of the Eastern District of Pennsylvania.
2. Person-1, known to the United States Attorney, was a resident of Bucks County, in the Eastern District of Pennsylvania.
3. Agency-1, known to the United States Attorney, was a licensed provider of personal assistance services based in Bucks County, in the Eastern District of Pennsylvania, and was solely owned and operated by Person-1.

4. EVV-1 was a third-party provider of Electronic Visit Verification (“EVV”) software and web-based platforms. EVV-1 used a web service to host its platform on servers that were located in the Commonwealth of Virginia.

5. PCA-1, an individual known to the United States Attorney, resided in New Jersey and was employed as a personal care assistant (“PCA”) through Agency-1.

6. PCA-2, an individual known to the United States Attorney, resided in Bucks County, in the Eastern District of Pennsylvania, and was employed as a personal care assistant through Agency-1.

7. Victim-1 and Victim-2, individuals known to the United States Attorney, each resided in Montgomery County, in the Eastern District of Pennsylvania.

8. Medicaid was a health care benefit program jointly funded by federal and state governments. On the federal side, Medicaid was overseen by the Centers for Medicare and Medicaid Services (“CMS”) of the United State Department of Health and Human Services (“HHS”). On the state side, in Pennsylvania, Medicaid was overseen by the Pennsylvania Department of Human Services (“DHS”). A person covered by Medicaid was referred to as a recipient, a consumer, or a beneficiary.

9. CMS allowed states to apply for various Home and Community-Based Services (“HCBS”) waiver programs authorized in Section 1915(c) of the Social Security Act. HCBS waiver programs permitted a state to furnish an array of home and community-based services that would assist Medicaid beneficiaries to live in the community and avoid institutionalization. CMS allowed states latitude to design a HCBS waiver program that addressed the specific needs and goals of the state.

10. Pennsylvania designed and received CMS approval for a HCBS waiver program called Community HealthChoices (“CHC”). CHC allowed Medicaid to pay for, among other things, home and community-based personal assistance services for those recipients who otherwise would need to live in a nursing home because of disability. CHC required Medicaid recipients to enroll with a managed care organization (“MCO”) to receive long-term services and supports, including personal assistance services, and physical health services, such as obtaining medical care and treatment.

11. Personal assistance services were aimed at assisting the recipients with completing their daily living activities, performing health maintenance activities, providing routine support services, accompanying individuals into the community, and providing incidental homemaker tasks such as eating, bathing, and toileting. For Medicaid recipients who could only live outside of an institutional setting with assistance performing activities of daily living, a personal care assistant (“PCA”) was assigned to provide personal assistance services paid for by Medicaid. To apply for this program, an applicant had to contact the Pennsylvania Independent Enrollment Broker, who then requested a completed physicians’ certification form from the applicant’s doctor. The form could be electronically signed or signed with a wet signature. In addition, the applicant received two home visits as part of the waiver program enrollment process. If the applicant met the eligibility requirements, the application was forwarded for final approval. Once all requirements were met, the Medicaid recipient was directed to select one of CHC’s MCOs which was responsible for ensuring that the recipient received Medicaid funded home and community-based services, as well as traditional Medicaid physical health services.

12. Once a recipient was approved for personal assistance services, the recipient could become a client of a home care agency (“Agency”). The recipient could choose

an Agency and could also change to a new Agency at any time. The Agency employed a PCA to supply the personal assistance services for which the recipient had been approved.

13. The Agency was responsible for keeping records of all dates and times that a PCA provided services to a recipient. Personal assistance services were billed to the MCO in 15-minute increments or units.

14. The Agency was statutorily required to use Electronic Visit Verification (“EVV”) for personal assistance services. EVV was a technology solution that electronically verified the delivery dates and times of home and community-based services to the recipients of those services. The EVV system captured information including the following data:

- a. Type of service performed;
- b. Individual receiving the service;
- c. Date of service;
- d. Individual providing the service; and
- e. Time the service began and ended.

15. EVV was performed over telephone lines or via computer or mobile device application, and corrections or edits could be made through a web-based portal. Paper timesheets could serve as a backup for times when EVV was not possible for technical reasons.

16. A PCA was responsible for checking in and checking out for each shift using EVV.

17. In Pennsylvania, an Agency could use any EVV system that it chose. The Agency was responsible for submitting correct EVV data. An Agency’s EVV data was electronically transmitted to computer servers operated or controlled by a third-party vendor for

the MCOs. An Agency submitted claims through the MCO for Medicaid reimbursement. Prior to paying a claim, the MCO compared the claim to the EVV data.

18. Each MCO received Medicaid funds based on the number of recipients enrolled with that MCO, and each MCO was responsible for paying claims, including claims for personal assistance services submitted by an Agency.

THE SCHEME

19. From at least in or about January 2020 through in or about June 2024, in the Eastern District of Pennsylvania and elsewhere, defendant

HEMAL PATEL,

and others known and unknown to the United States Attorney, devised and intended to devise a scheme to defraud and obtain money and property by means of false and fraudulent pretenses, representations and promises.

MANNER AND MEANS

It was part of the scheme that:

20. Defendant HEMAL PATEL worked to recruit recipients and get them approved for personal assistance services. Defendant PATEL forged physicians' certification forms in order to get recipients approved for personal assistance services. Defendant PATEL then became the contact person for each recipient with their respective Agency.

21. Once recipients were approved for personal assistance services, defendant HEMAL PATEL directed those recipients to Agency-1, a licensed provider of personal assistance services based in Bucks County, in order to receive referral fees.

22. After approval and designation of Agency-1, Person-1 directed PCA-1, PCA-2, and others known and unknown to the United States Attorney, to falsely bill personal assistance services for recipients.

23. With knowledge that PCA-1 and PCA-2 were falsely logging personal assistance services and that the recipients either never received services at all or received only a portion of the services, Person-1 submitted false claims for payment to Agency-1 from the Medicaid funded MCO.

24. Person-1 paid defendant HEMAL PATEL a portion of the funds received from the Medicaid funded MCO that had been paid out as a result of the falsely billed personal assistance services.

Victim-1

25. In or about 2021, defendant HEMAL PATEL met and enrolled Victim-1 and Victim-2 in the program to receive personal assistance services. Initially, at defendant PATEL's direction, Victim-1 and Victim-2 provided their person identifying information ("PII") to defendant PATEL to begin the enrollment process with an MCO ("MCO-1"). Despite having begun the process to receive personal assistance services, Victim-1 notified MCO-1 that Victim-1 did not intend to go forward with the enrollment and took steps to withdraw before any services were set up. Although Victim-2's application had been initiated at the same time as Victim-1's, Victim-2 never went forward with starting the process of applying for services. On or about June 24, 2021, without Victim-1's or Victim-2's knowledge or consent, defendant PATEL transmitted forged physician certification forms in Victim-1's and Victim-2's names using their PII.

26. In or about July 2021, Victim-1 left the United States to reside in India. On or about May 10, 2022, Victim-1's relative, who resided in the United States, formally withdrew Victim-1 from the application process by email and letter to MCO-1.

27. In or about February 2023, defendant HEMAL PATEL contacted MCO-1 to advise them that Victim-1 wished to reinstate personal assistance services. In or about April 2023, while attempting to fraudulently reinstate Victim-1's personal assistance services, defendant PATEL posed as both Victim-1 and Victim-1's niece in order to complete a necessary assessment conducted by MCO-1.

28. In or about May 2023, defendant HEMAL PATEL requested that Agency-1, owned by Person-1, provide personal assistance services to Victim-1. Shortly thereafter, Person-1 falsely confirmed for MCO-1's representative that Agency-1 was able to provide a PCA for Victim-1.

29. Between on or about April 30, 2023, through on or about November 12, 2023, Person-1 employed PCA-2 to ostensibly provide personal assistance services to Victim-1. PCA-2 logged into EVV-1 and falsely recorded clock-ins and clock-outs for services to Victim-1 that were never rendered.

30. Person-1 paid defendant HEMAL PATEL a fee of \$2 per hour for each hour that was fraudulently billed on behalf of Victim-1 by PCA-2. Person-1, through Agency-1, using EVV-1, submitted false claims to MCO-1 for Medicaid reimbursement for services that were never rendered. Person-1 paid PCA-2 a portion of the Medicaid reimbursement, approximately \$11 per hour, paid on false claims for services that were never rendered. Through MCO-1, Medicaid reimbursed Person-1 approximately \$21 per hour for PCA-2's fraudulently reported personal assistance services.

Victim-2

31. In or about January 2023, Victim-2 left the United States to reside in India. On or about August 19, 2021, defendant HEMAL PATEL posed as Victim-2's spouse to complete a necessary assessment conducted by MCO-1. Between on or around August 19, 2021, and on or about July 1, 2022, defendant PATEL requested that Agency-1 provide personal assistance services to Victim-2.

32. Victim-2, while residing in the United States, never received any personal assistance services from a PCA. Despite that, between on or about July 1, 2022, through on or about January 1, 2023, Person-1 employed PCA-2 as a PCA for Victim-2. PCA-2 logged into EVV-1, using PCA-2's telephone, and falsely recorded clock-ins and clock-outs for services to victim-2 that were never rendered.

33. From on or about June 1, 2023, through on or about November 12, 2023, Person-1 employed PCA-1 as the PCA for Victim-2. For a period of time, PCA-1 logged into EVV-1 using a smart phone application that recorded PCA-1's geo-location coordinates to falsely clock-in and clock-out for services to Victim-2 that were never rendered. For a different period of time, PCA-1 logged into EVV-1 using PCA-1's telephone, and falsely recorded clock-ins and clock-outs for services to Victim-2 that were never rendered.

34. Person-1 paid defendant HEMAL PATEL a fee of \$2 per hour for each hour that was billed on behalf of Victim-2 by PCA-1 and PCA-2. Person-1, through Agency-1, using EVV-1, submitted false claims to MCO-1 for Medicaid reimbursement for services that were never rendered. Person-1 paid PCA-1 and PCA-2 a portion of the Medicaid reimbursement, approximately \$11 per hour, that had been paid on false claims for services that

were never rendered. Through MCO-1, Medicaid reimbursed approximately \$21 per hour for PCA-1's and PCA-2's personal assistance services that were never provided.

35. At all times between 2021 and 2023, defendant HEMAL PATEL, Person-1, PCA-1, PCA-2, and others known and unknown to the United States Attorney, were aware that they were engaged in a scheme to fraudulently bill MCO-1 for personal assistance services that were never actually rendered for Victim-1 and Victim-2.

36. Between 2021 and 2023, in furtherance of the scheme, defendant HEMAL PATEL, Person-1, PCA-1, PCA-2, and others known and unknown to the United States Attorney, caused wire communications to be transmitted in interstate commerce in the form of fraudulent EVV clock-ins and clock-outs submitted through an app on a cellular telephone.

37. At all times between 2021 and 2023, in furtherance of the scheme, Person-1 reviewed and submitted false claims for reimbursement to the MCO by means of wire communications transmitted in interstate commerce to servers in the Commonwealth of Virginia from the Eastern District of Pennsylvania.

38. At all times between 2021 and 2023, in furtherance of the scheme, defendant HEMAL PATEL, Person-1, PCA-1, PCA-2, and others known and unknown to the United States Attorney, caused Agency-1 to fraudulently bill and receive at least \$1,069,384.38 from MCO-1, using the names of Victim-1 and Victim-2, among others, knowing that the claims were based on personal assistance services that were never, or only partially, rendered.

39. From on or about July 1, 2022, through on or about November 12, 2023, defendant

HEMAL PATEL

and others known and unknown to the United States Attorney, for the purpose of executing the scheme described above, and attempting to do so, caused to be transmitted by means of wire communication in interstate commerce the writings, signals, and sounds described below for each count, each transmission constituting a separate count:

COUNT	DATE	DESCRIPTION
1	July 2, 2022	Electronic and telephonic submission of fraudulent clock-in at approximately 10:01 p.m. for services that caused a wire transmission from a telephone originating in the Eastern District of Pennsylvania to a server located in Virginia.
2	June 2, 2023	Electronic and telephonic submission of fraudulent clock-out at approximately 5:01 a.m. for services that caused a wire transmission from a telephone in the Eastern District of Pennsylvania to a server located in Virginia.

All in violation of Title 18, United States Code, Section 1343.

COUNT THREE

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

1. Paragraphs 1 through 38 of Counts One and Two are incorporated here.
2. On or about April 25, 2023, in the Eastern District of Pennsylvania and elsewhere, defendant

HEMAL PATEL

knowingly and without lawful authority, possessed and used a means of identification of another person, that is, Victim-1's name, social security number, date of birth, and other means of identification, during and in relation to a wire fraud scheme charged in Counts One and Two, knowing that the means of identification belonged to a real person.

In violation of Title 18, United States Code, Section 1028A(a)(1), (c)(5).

COUNT FOUR

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

1. Paragraphs 1 through 38 of Counts One and Two are incorporated here.
2. On or about April 30, 2023, in the Eastern District of Pennsylvania and elsewhere, defendant

HEMAL PATEL

knowingly and without lawful authority, possessed and used a means of identification of another person, that is, Victim-2's name, social security number, date of birth, and other means of identification, during and in relation to a wire fraud scheme charged in Counts One and Two, knowing that the means of identification belonged to a real person.

In violation of Title 18, United States Code, Section 1028A(a)(1), (c)(5).

COUNT FIVE

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

At all times material to this information:

1. Paragraphs 1 through 18 of Counts One and Two are incorporated here.
2. From in or about January 2020 to in or about June 2024, in the Eastern

District of Pennsylvania and elsewhere, defendant

HEMAL PATEL

conspired and agreed with others known and unknown to the United States Attorney, to commit an offense against the United States, that is, to knowingly and willfully receive remuneration in the form of kickbacks, directly and indirectly, from Person-1 and Agency-1 in return for referring fake and fraudulent home care clients and fraudulent personal care assistants to Agency-1 for the purported provision of personal care services for which Agency-1 fraudulently collected payments from the federal Medicaid program, a healthcare benefit program, in violation of Title 42, United States Code, Section 1320a-7b(b)(1)(A).

MANNER AND MEANS

It was part of the conspiracy that:

3. Agency-1 paid cash kickbacks to defendant HEMAL PATEL in return for defendant PATEL referring home care clients to Agency-1.
4. Agency-1 paid defendant HEMAL PATEL either a flat fee for a referral or a fee of \$2 per hour for each hour billed to Medicaid for that referred client. Frequently, the PCAs and clients were part of the scheme, such that the PCAs never provided, and the clients never received, any or all of the services for which Medicaid was billed by Agency-1.

OVERT ACTS

In furtherance of the conspiracy and to accomplish its object(s), defendant HEMAL PATEL and others known and unknown to the United States Attorney committed the following overt acts, among others, in the Eastern District of Pennsylvania and elsewhere:

On or about the following dates, in the following approximate amounts, defendant HEMAL PATEL received kickbacks from Agency-1 for the referral of fake and fraudulent clients and/or personal care assistants:

Overt Act	Approximate Date	Approximate Amount of Kickback
1	May 20, 2020	\$ 5,000.00
2	October 21, 2020	\$ 1,000.00
3	April 14, 2021	\$ 2,500.00
4	December 29, 2021	\$ 3,224.00
5	February 27, 2022	\$ 3,248.00
6	January 30, 2022	\$ 3,464.00
7	April 8, 2022	\$ 3,596.00
8	April 29, 2022	\$ 3,600.00
9	May 30, 2022	\$ 3,784.00
10	August 6, 2022	\$ 4,304.00
11	August 10, 2022	\$ 4,688.00
12	August 15, 2022	\$ 4,712.00
13	December 14, 2022	\$ 4,092.00
14	December 14, 2022	\$ 4,436.00
15	December 14, 2022	\$ 4,736.00
16	March 18, 2023	\$ 5,032.00
17	March 30, 2023	\$ 5,030.00
18	April 25, 2023	\$ 4,572.00
19	July 30, 2023	\$ 3,872.00
20	July 30, 2023	\$ 5,120.00
21	August 26, 2023	\$ 3,440.00
22	August 27, 2023	\$ 3,462.00
23	August 31, 2023	\$ 4,636.00
24	September 18, 2023	\$ 4,690.00
25	October 11, 2023	\$ 4,662.00
26	November 12, 2023	\$ 5,000.00
27	December 6, 2023	\$ 3,796.00

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

NOTICE OF FORFEITURE

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

1. As a result of the violations of Title 18, United States Code, Section 1343, set forth in this information, defendant

HEMAL PATEL

shall forfeit to the United States of America any property, real or personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of the offense.


The property to be forfeited includes, but is not limited to, the sum of \$109,696 in United States currency.

2. If any of the property subject to the 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,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1).

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


DAVID METCALF
UNITED STATES ATTORNEY