

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**


<b>UNITED STATES OF AMERICA</b>	*	<b>CRIMINAL NO. 15-61</b>
<b>VERSUS</b>	*	<b>SECTION: "E" (5)</b>
<b>SHEILA HOPKINS</b>	*	
	*   *   *	

**FACTUAL BASIS**

1. If this matter were to proceed to trial, the United States would introduce the following facts with relevant and admissible testimony and exhibits to support the violation alleged in Count 1 of the superseding bill of information, a violation of Title 18, United States Code, Sections 371 (conspiracy to pay and receive illegal kickbacks in violation of 42 U.S.C. §1320a-7b(b)(1) and 1320a-7b(b)(2)):

2. Wendy Naquin from AdvanceMed, the Zone Program Integrity Contractor (ZPIC) over home health claims in this state, would testify that during all times mentioned in the indictment, Abide Home Care Services, Inc. (Abide) was enrolled as a provider able to bill Medicare for providing home health services to qualified beneficiaries.

3. LeAnne Dodson would testify that that she is a registered nurse (RN) employed for ZPIC AdvanceMed as a team leader for the Home Health Agency Review Team. Dodson, who has testified as an expert in the field of home health, would testify that the home health benefit generally is for elderly or disabled beneficiaries who are acutely ill and for whom it is a taxing or

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considerable effort to get out of the home to receive medical care by going to a physician or an outpatient facility.

4. Abide witnesses, and organization charts would establish that **SHEILA HOPKINS (HOPKINS)** was employed at Abide as an RN. A job description seized from Abide during the execution of a search warrant would establish that **HOPKINS'** duties as a RN were to provide professional nursing care by utilizing all elements of the nursing process. **HOPKINS** was to write, initiate and revise plans of care, initiate and sustain the implementation of orders for medications and treatments as prescribed by the physician in the physician's plan of care, complete, maintain and submit accurate and relevant clinical notes regarding a patient's conditions and the care given and to be fully cognizant of Medicare reimbursement criteria and current charting needs. The evidence would establish that the job description applicable to **HOPKINS** followed the requirements of Medicare as they relate to documentation of home health services.

5. Records from Dyer and Associates, the accounting firm retained by Abide, would establish that on about August 26, 2011, **HOPKINS** was paid \$400 by Abide as an incentive for bringing a patient to Abide. Abide bank records from Capital One would show that on about August 26, 2011, Abide paid **HOPKINS** \$337.40, the net amount from the \$400 check with various deductions taken, with check no. 40734. Witnesses would testify that Crinel told both her employees and non-employees that she would pay these incentives to anyone who referred Medicare beneficiaries to Abide.

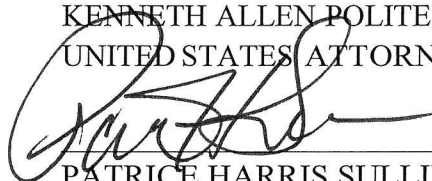
6. Payroll evidence would establish that **HOPKINS** was routinely paid by Abide for her services as an RN. The \$400 payment to **HOPKINS** was not for providing the nursing services for which she was hired at Abide; instead, the payment was an illegal per-patient

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kickback she received for her referral of a Medicare beneficiary and was not intended to compensate for any services covered by Medicare. **HOPKINS** was not under contract with Abide to provide any recruiting services recognized by any Anti-Kickback exceptions.

7. Finally, Lisa Crinel would testify that she caused **HOPKINS** to be paid a \$400 kickback to bring a Medicare beneficiary to Abide. Crinel would testify about the numerous employees and non-employees to whom she paid these illegal incentives and, specifically, about how the only purpose of the fee was to induce these individuals to bring Medicare beneficiaries to her agency.

KENNETH ALLEN POLITE, JR.  
UNITED STATES ATTORNEY



PATRICE HARRIS SULLIVAN  
Assistant United States Attorney

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SHEILA HOPKINS

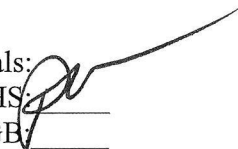
Defendant

Date: \_\_\_\_\_

\_\_\_\_\_  
GARY BIZAL

Counsel for Defendant

Date: \_\_\_\_\_

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