

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No.

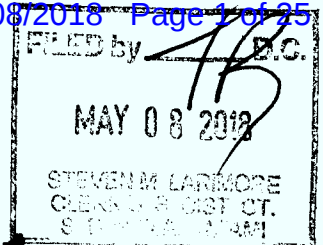
18-20381

18 U.S.C. § 1349

18 U.S.C. § 1347

18 U.S.C. § 2

18 U.S.C. § 982



CR-ALTONAGA

/GOODMAN

UNITED STATES OF AMERICA

vs.

**PAVEL LUIS HERNANDEZ MERINO,
PABLO ARMANDO OROZCO,
PABLO D. OROZCO,
CARLOS ERNESTO AGUILAR,
JUAN FRANCISCO NIN, and
YOSNIEL BLANCO SALCINES,**

Defendants.

INDICTMENT

The Grand Jury charges that:

GENERAL ALLEGATIONS

At all times relevant to this Indictment:

Commercial Insurance

1. AT&T, Pepsico, and Comcast offered Administrative Services Only (“ASO”) insurance plans to their employees. These employers contracted with the insurance company Blue Cross Blue Shield (“BCBS”) to handle the administrative tasks such as billing, claims handling, and claims payment with respect to claims submitted on behalf of their employees. These ASO insurance plans reimbursed BCBS for the money the insurance company paid out for health

benefits for their respective employees. As such, the employers were financially responsible for any claim payments on behalf of their employees.

2. BCBS and the ASO insurance plans offered by AT&T, Pepsico, and Comcast, and managed by BCBS, were “health care benefit programs” as defined in Title 18, United States Code, Section 24(b).

3. BCBS often made payments directly to physicians, medical clinics, or other health care providers, rather than to the beneficiary who received the health care benefits, items, and services. This occurred when the provider accepted assignment of the right to payment from the beneficiary.

4. To obtain payment for treatments or services provided to a beneficiary, physicians, medical clinics, and other health care providers had to submit itemized claim forms to the beneficiary’s commercial insurance plan. The claim forms were typically submitted electronically via the internet. The claim form required certain important information, including: (a) the beneficiary’s name and Health Insurance Claim Number or other identification number; (b) a description of the health care benefit, item, or service that was provided or supplied to the beneficiary; (c) the billing codes for the benefit, item, or service; (d) the date upon which the benefit, item, or service was provided or supplied to the beneficiary; and (e) the name of the referring physician or other health care provider, as well as a unique identifying number, known either as the Unique Physician Identification Number (“UPIN”) or National Provider Identifier (“NPI”).

5. When a provider submitted a claim form to a private insurance plan, the provider certified that the contents of the form were, correct, complete, and that the form was prepared in compliance with the applicable laws and regulations concerning the submission of health care

claims. The provider also certified that the services being billed were medically necessary and were in fact provided as billed.

The Defendants and Related Entities

6. BBB Medical Center Corp. (“BBB Medical”) was a Florida corporation, located at 6905 NW 77th Avenue, Miami, Florida. BBB Medical was a medical clinic that purportedly provided commercial private insurance beneficiaries with various medical treatments and services.

7. Michael Professional System Corp. (“Michael Professional”) was a Florida corporation located at 7235 Coral Way, Suite #205, Miami, Florida. Michael Professional was a medical clinic that purportedly provided commercial private insurance beneficiaries with various medical treatments and services.

8. Anthony Professional System Corp. (“Anthony Professional”) was a Florida corporation located at 7235 Coral Way, Suite #214, Miami, Florida. Anthony Professional was a medical clinic that purportedly provided commercial private insurance beneficiaries with various medical treatments and services.

9. Sun Medical Rehabilitation Center Inc. (“Sun Medical”) was a Florida corporation located at 7175 SW 8th Street, Miami, Florida. Sun Medical was a medical clinic that purportedly provided commercial private insurance beneficiaries with various medical treatments and services.

10. Americare Center Inc. (“Americare”) was a Florida corporation located at 175 Fontainebleau Boulevard, 2A3-2B, Miami, Florida. Americare was a medical clinic that purportedly provided commercial private insurance beneficiaries with various treatments and services.

11. Defendant **PAVEL LUIS HERNANDEZ MERINO** was a resident of Miami-Dade County and the registered agent and co-owner of Americare.

12. Defendant **PABLO ARMANDO OROZCO** was a resident of Miami-Dade County and co-owner of Americare.

13. Defendant **PABLO D. OROZCO** was a resident of Miami-Dade County and the Registered Agent of Americare from September 3, 2014 through July 20, 2015.

14. Defendant **CARLOS ERNESTO AGUILAR** was a resident of Miami-Dade County and a medical doctor.

15. Defendant **JUAN FRANCISCO NIN** was a resident of Miami-Dade County.

16. Defendant **YOSNIEL BLANCO SALCINES** was a resident of Miami-Dade County.

17. Vladimir A. Prado was a resident of Miami-Dade County, the registered agent of Michael Professional System Corp., and true owner of Michael Professional, Anthony Professional, and Sun Medical.

18. Vladimir Prado Sr. was a resident of Miami-Dade County and true owner of Anthony Professional System Corp.

19. Osmany Rodriguez Diaz, was a resident of Miami-Dade County and the registered agent and true owner of BBB Medical Center Corp.

COUNT 1
Conspiracy to Commit Health Care Fraud and Wire Fraud
(18 U.S.C. § 1349)

1. Paragraphs 1 through 19 of the General Allegations section of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.

2. From in or around July 2014, and continuing through in or around July 2017, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

**PAVEL LUIS HERNANDEZ MERINO,
PABLO ARMANDO OROZCO,
PABLO D. OROZCO,
CARLOS ERNESTO AGUILAR,
JUAN FRANCISCO NIN, and
YOSNIEL BLANCO SALCINES,**

did willfully, that is, with the intent to further the objects of the conspiracy, and knowingly combine, conspire, confederate and agree with each other and others known and unknown to the Grand Jury, to commit offenses against the United States, that is:

a. to knowingly and willfully execute a scheme and artifice to defraud a health care benefit program affecting commerce, as defined in Title 18, United States Code, Section 24(b), that is, BCBS and ASO insurance plans managed by BCBS, and to obtain, by means of materially false and fraudulent pretenses, representations, and promises, money and property owned by, and under the custody and control of, said health care benefit programs, in connection with the delivery of and payment for health care benefits, items, and services, in violation of Title 18, United States Code, Section 1347; and

b. to knowingly and with the intent to defraud, devise and intend to devise a scheme and artifice to defraud and for obtaining money and property by means of materially false and fraudulent pretenses, representations, and promises, knowing the pretenses, representations, and promises were false and fraudulent when made, and for the purpose of executing the scheme and artifice, did knowingly transmit and cause to be transmitted by means of wire communication in interstate and foreign commerce, certain writings, signs, signals, pictures, and sounds, in violation of Title 18, United States Code, Section 1343.

PURPOSE OF THE CONSPIRACY

3. It was the purpose of the conspiracy for the defendants and their co-conspirators to unlawfully enrich themselves by, among other things: (a) submitting and causing the submission of false and fraudulent claims to health care benefit programs; (b) concealing the submission of false and fraudulent claims to health care benefit programs; (c) concealing the receipt of the fraud proceeds; and (d) diverting the fraud proceeds for their personal use and benefit, and the use and benefit of others, and to further the fraud.

MANNER AND MEANS OF THE CONSPIRACY

The manner and means by which the defendants and their co-conspirators sought to accomplish the objects and purpose of the conspiracy included, among others, the following:

4. **PAVEL LUIS HERNANDEZ MERINO, PABLO ARMANDO OROZCO, PABLO D. OROZCO, CARLOS ERNESTO AGUILAR, JUAN FRANCISCO NIN, YOSNIEL BLANCO SALCINES,** Vladimir A. Prado, Vladimir Prado, Sr., Osmany Rodriguez Diaz, and others submitted and caused BBB Medical, Michael Professional, Anthony Professional, Sun Medical, and Americare to submit, via interstate wires, approximately \$30,365,060 to BCBS and ASO insurance plans managed by BCBS in claims for reimbursement which falsely and fraudulently represented that various health care benefits were medically necessary, prescribed by a doctor, and had been provided to insurance beneficiaries of BCBS and ASO insurance plans managed by BCBS by BBB Medical, Michael Professional, Anthony Professional, Sun Medical, and Americare.

5. As a result of such false and fraudulent claims, BCBS and ASO insurance plans managed by BCBS made payments to the corporate bank accounts of BBB Medical, Michael

Professional, Anthony Professional, Sun Medical, and Americare in the approximate amount of \$13,615,398.

6. **PAVEL LUIS HERNANDEZ MERINO, PABLO ARMANDO OROZCO, PABLO D. OROZCO, CARLOS ERNESTO AGUILAR, JUAN FRANCISCO NIN, YOSNIEL BLANCO SALCINES**, and others used the proceeds of the health care fraud for their personal use and benefit, and to further the fraud.

All in violation of Title 18, United States Code, Section 1349.

COUNTS 2-20
Health Care Fraud
(18 U.S.C. § 1347)

1. Paragraphs 1 through 18 of the General Allegations section of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.

2. From in or around July 2014, and continuing through in or around July 2017, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

**PAVEL LUIS HERNANDEZ MERINO,
PABLO ARMANDO OROZCO,
PABLO D. OROZCO,
CARLOS ERNESTO AGUILAR,
JUAN FRANCISCO NIN, and
YOSNIEL BLANCO SALCINES,**

in connection with the delivery of and payment for health care benefits, items, and services, did knowingly and willfully execute, and attempt to execute, a scheme and artifice to defraud a health care benefit program affecting commerce, as defined in Title 18, United States Code, Section 24(b), that is, BCBS and ASO insurance plans managed by BCBS, and to obtain, by means of materially false and fraudulent pretenses, representations, and promises, money and property owned by, and under the custody and control of said health care benefit programs.

Purpose of the Scheme and Artifice

3. It was a purpose of the scheme and artifice for the defendants and their accomplices to unlawfully enrich themselves by, among other things: (a) submitting and causing the submission of false and fraudulent claims to health care benefit programs; (b) concealing the submission of false and fraudulent claims to health care benefit programs; (c) concealing the receipt of the fraud proceeds; and (d) diverting the fraud proceeds for their personal use and benefit, the use and benefit of others, and to further the fraud.

The Scheme and Artifice

The Manner and Means section of Count 1 of this Indictment is re-alleged and incorporated by reference as though fully set forth herein as a description of the scheme and artifice.

Acts in Execution or Attempted Execution of the Scheme and Artifice

On or about the dates specified as to each count below, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants, and specified in each count, in connection with the delivery of and payment for health care benefits, items, and services, did knowingly and willfully execute, and attempt to execute, the above-described scheme and artifice to defraud a health care benefit program affecting commerce, that is, BCBS and ASO insurance plans managed by BCBS, and to obtain, by means of materially false and fraudulent pretenses, representations, and promises, money and property owned by, and under the custody and control of, said health care benefit programs, in that the defendants submitted and caused the submission of false and fraudulent claims seeking the identified dollar amounts, and representing that the medical clinics provided health care benefits, items and services to beneficiaries of BCBS and ASO insurance plans managed by BCBS pursuant to physicians' orders and prescriptions as set forth below:

Count	Defendants	Beneficiary	Clinic	Approx. Date Claim Received	Claim Number	Services Claimed; Approx. Amount Claimed
2	PAVEL LUIS HERNANDEZ MERINO, PABLO ARMANDO OROZCO, PABLO D. OROZCO, CARLOS ERNESTO AGUILAR, and YOSNIEL BLANCO SALCINES	J.L.	Americare	03/16/15	H100000466371931	Therapeutic activities, direct (one on one) patient contact by the provider (use of dynamic activities); \$370
3	PAVEL LUIS HERNANDEZ MERINO, PABLO ARMANDO OROZCO, PABLO D. OROZCO, CARLOS ERNESTO AGUILAR, and YOSNIEL BLANCO SALCINES	J.L.	Americare	03/27/15	H100000466371877	Manual Therapy techniques (E.G., mobilization/manipulation, manual lymphatic drainage, manual traction); \$340

Count	Defendants	Beneficiary	Clinic	Approx. Date Claim Received	Claim Number	Services Claimed; Approx. Amount Claimed
4	PAVEL LUIS HERNANDEZ MERINO, PABLO ARMANDO OROZCO, PABLO D. OROZCO, CARLOS ERNESTO AGUILAR, and JUAN FRANCISCO NIN	H.H.	Anthony	04/29/15	H100000469688756	Application of a modality to one or more areas; contrast baths; each 15 minutes; \$340
5	PAVEL LUIS HERNANDEZ MERINO, PABLO ARMANDO OROZCO, PABLO D. OROZCO, CARLOS ERNESTO AGUILAR, and YOSNIEL BLANCO SALCINES	M.F.	Americare	05/08/15	H100000470994664	Therapeutic Procedure, one or more areas, each 15 minutes; neuromuscular reeducation of movement; \$340

Count	Defendants	Beneficiary	Clinic	Approx. Date Claim Received	Claim Number	Services Claimed; Approx. Amount Claimed
6	PAVEL LUIS HERNANDEZ MERINO, PABLO ARMANDO OROZCO, PABLO D. OROZCO, CARLOS ERNESTO AGUILAR, and YOSNIEL BLANCO SALCINES	M.F.	Americare	05/20/15	H100000470994678	Therapeutic procedure, one or more areas, each 15 minutes; therapeutic exercises to develop strength; \$370
7	PAVEL LUIS HERNANDEZ MERINO, PABLO ARMANDO OROZCO, PABLO D. OROZCO, and CARLOS ERNESTO AGUILAR	O.P.	Michael	05/29/15	H100000472037731	Application of a modality to one or more areas; contrast baths, each 15 minutes; \$170

Count	Defendants	Beneficiary	Clinic	Approx. Date Claim Received	Claim Number	Services Claimed; Approx. Amount Claimed
8	PAVEL LUIS HERNANDEZ MERINO, PABLO ARMANDO OROZCO, PABLO D. OROZCO, and CARLOS ERNESTO AGUILAR	S.O.	Sun Medical	06/01/15	H100000474678828	Application of a modality to one or more areas; infrared; \$170
9	PAVEL LUIS HERNANDEZ MERINO, PABLO ARMANDO OROZCO, PABLO D. OROZCO, and CARLOS ERNESTO AGUILAR	S.O	Sun Medical	06/09/15	H100000474678820	Manual therapy techniques (E.G., mobilization/manipulation, manual lymphatic drainage, manual traction); \$340
10	PAVEL LUIS HERNANDEZ MERINO, PABLO ARMANDO OROZCO, PABLO D. OROZCO, CARLOS ERNESTO AGUILAR, and JUAN FRANCISCO NIN	A. P	Anthony	10/14/15	H100000500242738	Application of a modality to one or more areas; contrast baths; each 15 minutes; \$340

Count	Defendants	Beneficiary	Clinic	Approx. Date Claim Received	Claim Number	Services Claimed; Approx. Amount Claimed
11	PAVEL LUIS HERNANDEZ MERINO, PABLO ARMANDO OROZCO, PABLO D. OROZCO, CARLOS ERNESTO AGUILAR, and YOSNIEL BLANCO SALCINES	M.B.	BBB Medical	10/21/15	H100000505813598	Application of a modality to one or more areas; electrical stimulation (manual), each 15 minutes: \$330
12	PAVEL LUIS HERNANDEZ MERINO, PABLO ARMANDO OROZCO, PABLO D. OROZCO, CARLOS ERNESTO AGUILAR, and YOSNIEL BLANCO SALCINES	M.B.	BBB Medical	10/22/15	H100000505813599	Therapeutic procedure, one or more areas, each 15 minutes; neuromuscular reeducation of movement; \$340

Count	Defendants	Beneficiary	Clinic	Approx. Date Claim Received	Claim Number	Services Claimed; Approx. Amount Claimed
13	PAVEL LUIS HERNANDEZ MERINO, PABLO ARMANDO OROZCO, PABLO D. OROZCO, CARLOS ERNESTO AGUILAR, and YOSNIEL BLANCO SALCINES	M.F.	Americare	11/12/15	H100000505815531	Therapeutic procedure, one or more areas, each 15 minutes; neuromuscular reeducation of movement; \$340
14	PAVEL LUIS HERNANDEZ MERINO, PABLO ARMANDO OROZCO, PABLO D. OROZCO, CARLOS ERNESTO AGUILAR, and YOSNIEL BLANCO SALCINES	J.L.	Americare	12/03/15	H100000504572914	Application of a modality to one or more areas; ultrasound, each 15 minutes; \$300

Count	Defendants	Beneficiary	Clinic	Approx. Date Claim Received	Claim Number	Services Claimed; Approx. Amount Claimed
15	PAVEL LUIS HERNANDEZ MERINO, PABLO ARMANDO OROZCO, PABLO D. OROZCO, and CARLOS ERNESTO AGUILAR	O.P.	Sun Medical	01/04/16	H100000526700384	Radiology examination, spine, lumbosacral; two or three views; \$450
16	PAVEL LUIS HERNANDEZ MERINO, PABLO ARMANDO OROZCO, PABLO D. OROZCO, and CARLOS ERNESTO AGUILAR	S.O.	BBB Medical	01/11/16	H100000517735714	Physical Therapy Evaluation; \$500
17	PAVEL LUIS HERNANDEZ MERINO, PABLO ARMANDO OROZCO, PABLO D. OROZCO, and CARLOS ERNESTO AGUILAR	O.P.	BBB Medical	01/15/16	H100000516831411	Therapeutic procedure, one or more areas, each 15 minutes; therapeutic exercises to develop strength; \$370

Count	Defendants	Beneficiary	Clinic	Approx. Date Claim Received	Claim Number	Services Claimed; Approx. Amount Claimed
18	PAVEL LUIS HERNANDEZ MERINO, PABLO ARMANDO OROZCO, PABLO D. OROZCO, and CARLOS ERNESTO AGUILAR	O.P.	BBB Medical	02/01/16	H100000516843411	Physical Therapy Re-evaluation; \$400
19	PAVEL LUIS HERNANDEZ MERINO, PABLO ARMANDO OROZCO, PABLO D. OROZCO, and CARLOS ERNESTO AGUILAR	L.H.	Americare	02/08/16	H100000526239801	Ultrasound, extremity, nonvascular, real-time with image documentation; complete; \$500
20	PAVEL LUIS HERNANDEZ MERINO, PABLO ARMANDO OROZCO, PABLO D. OROZCO, and ERNESTO AGUILAR	H.H.	Americare	07/01/16	H100000548216382	Application of a modality to one or more areas; contrast baths, each 15 minutes; \$340

In violation of Title 18, United States Code, Sections 1347 and 2.

FORFEITURE
(18 U.S.C. § 982)

1. The allegations contained in this Indictment are re-alleged and incorporated by reference as though fully set forth herein for the purpose of alleging forfeiture to the United States of certain property in which the defendants, **PAVEL LUIS HERNANDEZ MERINO, PABLO ARMANDO OROZCO, PABLO D. OROZCO, CARLOS ERNESTO AGUILAR, JUAN FRANCISCO NIN, and YOSNIEL BLANCO SALCINES**, have an interest.

2. Upon conviction of any violation of Title 18, United States Code, Sections 1347 or 1349, as alleged in Counts 1 through 20 of this Indictment, the defendant so convicted shall forfeit to the United States all of their respective right, title, and interest in any property, real or personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of such violation, pursuant to Title 18, United States Code, Section 982(a)(7).

3. The property subject to forfeiture includes, but is not limited to, the sum of \$13,615,398 in United States currency, which amount is equal to the gross proceeds traceable to the commission of the violations alleged in this Indictment, which the United States will seek as a forfeiture money judgment as part of the defendants' sentence.

4. If the property described above as being subject to forfeiture, as a result of any act or omission of the defendants,

- (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 subdivided 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 defendants up to the value of the above forfeitable property and, in addition, to seek a court order requiring the defendants to return any such property to the jurisdiction of the court for seizure and forfeiture.

All pursuant to Title 18, United States Code, Sections 982(a)(1) and 982(a)(7); and the procedures set forth at Title 21, United States Code, Section 853, as made applicable by Title 18, United States Code, Section 982(b)(1).

A BILL

FOREPERSON


BENJAMIN G. GREENBERG
UNITED STATES ATTORNEY


CHRISTOPHER J. CLARK
ASSISTANT UNITED STATES ATTORNEY