

AO 91 (Rev. 11/11) Criminal Complaint

## UNITED STATES DISTRICT COURT

JUN 18 2018

for the  
Central District of IllinoisCLERK OF THE COURT  
U.S. DISTRICT COURT  
CENTRAL DISTRICT OF ILLINOIS

United States of America

v.

Case No.

18-mj-3065

Tammy Sue Robinson

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 2015 - December 2016 in the county of Sangamon in the  
Central District of Illinois, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. §§ 1341 and 1347

Mail Fraud and Health Care Fraud

This criminal complaint is based on these facts:

See Attached Affidavit.

☒ Continued on the attached sheet.

s/ Timothy Minden

Complainant's signature

Timothy Minden, Special Agent, HHS/OIG

Printed name and title

Sworn to before me and signed in my presence.

Date:

6/18/2018

s/ Tom Schanzle-Haskins

Judge's signature

City and state:

Springfield, Illinois

Tom Schanzle-Haskins, U.S. Magistrate Judge

Printed name and title

### **AFFIDAVIT**

Timothy W. Minden, being first duly sworn, states the following:

1) I am a Special Agent with the US Department of Health & Human Services, Office of Inspector General (HHS/OIG). I have been so employed since April 2002. I am assigned to investigate criminal violations of federal laws, including, health care, mail, and wire fraud. I am also a participant in the "Central Illinois Health Care Fraud Task Force," which includes agents, investigators and attorneys for HHS/OIG, the FBI, Illinois State Police Medicaid Fraud Control Bureau (ISP), the Illinois Attorney General's Office (AGO), and the U.S. Attorney's Office (USAO). The following information is based upon my investigation and investigation by other law enforcement and regulatory officials. Because I submit this document for the limited purpose of determining probable cause to support a criminal complaint, I have not included all the facts known to me concerning this investigation.

2) The evidence compiled to date shows that Tammy Sue Robinson (Robinson), formerly known as Tammy Sue Biggs, defrauded the government and committed multiple acts of mail fraud and health care fraud, violating Title 18, United States Code, Sections 1341 and 1347, respectively. Robinson did so by executing a scheme to defraud, the State of Illinois Medicaid Home Services Program (HSP). Robinson did so by falsely claiming and taking payments for personal assistant services not actually performed, as described in this affidavit.

### **Background**

3) At all times material herein, the "Home Services Program (HSP)" was a "Medicaid Waiver" program in the State of Illinois administered by the Illinois Department of Human Services (DHS). Medicaid Waiver programs enable states to use both state and federal

Medicaid funds to pay for services related to medical care that Medicaid would not ordinarily cover.

4) The operational responsibility for the HSP, with minor exceptions, rested with the Division of Rehabilitation Services (DORS), which is an agency within the DHS. At all times relevant, the Centers for Medicare and Medicaid Services, which is an agency within the United States Department of Health & Human Services, provided approximately half of the money funding this program.

5) Through the HSP, the State of Illinois provided funding for services to individuals with significant disabilities so that they could remain in their homes and live as independently as possible. The HSP refers to these individuals as “customers.” The HSP provides such individuals with a “Personal Assistant,” hereinafter referred to as “PA.” Through the HSP, a qualified individual can hire one or more PAs, who are to perform or assist those with disabilities in performing common tasks such as household tasks, shopping, personal care, incidental health care tasks, and monitoring to ensure the health and safety of the customer. PAs are to be hired by and report directly to the customer or the customer’s family member, but they are paid by the State of Illinois with Medicaid funds.

6) DORS prohibits the practice of a disabled minor child hiring a parent to act as a PA through the HSP. Additionally, if a disabled minor child lives with a parent, the HSP will not authorize a PA. However, an exception to these rules is that DORS will authorize a small amount of PA service hours per month, aimed at relieving the stress on the family member(s) of the disabled individual. DORS refers to these as “respite services.”

7) To receive payment as a PA, the PA and the customer complete and submit time sheets twice monthly. These time sheets contain the dates and number of hours worked by the



PA. Both the worker and the individual are required to certify the accuracy of the time sheets. The time sheets are then submitted to DORS, and, if approved, the claims are paid through the Illinois Office of the Comptroller (the Comptroller) in Springfield, Illinois. Unless the PA has an appropriate direct deposit agreement approved by the State of Illinois, payment is made by check or "warrant" issued by the Comptroller in Springfield, Illinois, and sent by United States mail to the address listed by the PA. If the PA has an appropriate direct deposit agreement, the State makes payments to a debit MasterCard.

8) When hired as a PA, the person is required to sign a form from DORS titled, "Individual Provider Payment Policies," on which the PA acknowledges his/her awareness of program policies including:

- *Individual Providers (PAs) can only be paid for the hours they worked for the customer per the HSP Service Plan. Billing for hours not worked constitutes Medicaid fraud.*

**Fraud Committed by Tammy Sue Robinson**

9) One of the persons eligible for assistance through the HSP was "LS," a resident of Pekin, Illinois. "LS" is Robinson's daughter, and lived in the same household as Robinson at all times relevant.

10) DORS originally found "LS" eligible for a PA to perform Respite Services on or around April 15, 2005. On or about June 8, 2015, DORS performed an eligibility redetermination of the case of "LS" and determined that "LS" qualified for 240 hours per year of PA Respite Services.

11) In December 2015, Robinson made contact with "HC" to act as the PA for "LS." On or about December 15, 2015, "HC" completed a PA application packet at Robinson's home. At Robinson's request, "HC" brought a photocopy of her Driver's License and Social Security

Card with her to Robinson's home. Approximately one week later, "HC" told Robinson that she changed her mind, and did not wish to act as a PA for "LS." "HC" never performed any PA services for "LS," never submitted any time sheets to DORS, and never received any payments from DORS for PA services rendered to "LS."

12) Despite this, Robinson began submitting false time sheets to DORS for services not rendered by "HC" for "LS" on or around December 31, 2015. From this date through approximately December 31, 2016, DORS received time sheets twice monthly, typically totaling about 20 hours per month. During this time, DORS paid \$2677.09 in paper checks and EFTs in the name of "HC."

13) On January 20, February 5, and February 18, 2016, the Comptroller issued warrants in the name of "HC" to Robinson's home address. A third individual, "TP," cashed the checks at his bank and subsequently gave the money to Robinson. When "TP" obtained the checks from Robinson at her home, the checks were already endorsed with the name of "HC."

14) In March 2016, a debit MasterCard was issued in the name of "HC" for purposes of paying "HC" for PA services purportedly rendered to "LS." The debit MasterCard and the PIN number were sent to Robinson's address. At all times relevant, Robinson had both the debit MasterCard and PIN number in her possession. Robinson used the debit MasterCard to pay bills. Robinson did not give any of the money to "HC."

15) "HC" had no knowledge of either the paper checks or the electronic funds transfers issued by the Comptroller in her name. "HC" did not give Robinson permission to use her identity in the furtherance of a scheme to commit health care fraud.

16) From on or about December 15, 2015 through on or around December 31, 2016, in the Central District of Illinois at Pekin, and elsewhere, Robinson defrauded Medicaid, which

is a health care benefit program, of money or property by means of materially false and fraudulent promises and representations, well knowing that such promises and representations were false when made, in that Robinson certified "Illinois Department of Human Services Home Services Program Time Sheets," which time sheets falsely represented dates, times, and hours in which "HC" purportedly provided PA services to "LS," when in fact, "HC" did not actually perform any of the services authorized by DORS for "LS."

17) It was part of the scheme to defraud that, on or about February 19, 2016, Robinson did knowingly cause to be delivered by the United States mail, according to the direction thereon, an envelope containing warrant number SA5243726, in the amount of \$123.18 for PA services not actually performed by "HC," or not provided to the extent claimed.

18) Based on the foregoing evidence to date, there is probable cause to believe that Tammy Sue Robinson defrauded the United States and committed multiple acts of Mail Fraud and Health Care Fraud, violating Title 18, United States Code, Sections 1341 and 1347, by defrauding the State of Illinois Medicaid Home Services Program by falsely claiming and taking payments for PA services not actually performed.

FURTHER AFFIANT SAYETH NOT.

Respectfully submitted,

  
s/ Timothy Minden

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Timothy W. Minden, Special Agent  
HHS/OIG

Subscribed and sworn to before me

this 18th day of June, 2018.

  
s/ Tom Schanzle-Haskins

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TOM SCHANZLE-HASKINS  
UNITED STATES MAGISTRATE JUDGE