

Aug 27, 2021

ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S.D. OF FLA. - MIAMIUNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
21-20443-CR-WILLIAMS/MCALILEY

Case No. _____

18 U.S.C. § 1349

18 U.S.C. § 982(a)(7)

UNITED STATES OF AMERICA

vs.

JORGE LUIS TABOADA,

Defendant.
_____ /**INFORMATION**

The Acting United States Attorney charges that:

GENERAL ALLEGATIONS

At all times relevant to this Information:

Commercial Insurance

1. Coca Cola and OHL Community Asphalt, among other companies, offered Administrative Services Only ("ASO") insurance plans to their employees. These employers contracted with the insurance companies Blue Cross Blue Shield ("BCBS"), Aetna ("Aetna"), and others 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 and Aetna for the money the insurance companies paid out for health benefits for their respective employees.

2. The ASO insurance plans offered by Coca Cola and OHL Community Asphalt and managed by BCBS and Aetna were health care benefit programs, as defined in Title 18, United States Code, Section 24(b).

3. BCBS and Aetna 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 treatment or services provided to a beneficiary, the treating physician, medical clinic, or other health care provider 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 true, correct, and 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 Defendant and Related Entities

6. United Medical of South Florida, d/b/a Sleep Study of South Florida, Inc. ("Sleep Study") was a Florida corporation, located at 14750 SW 26th Street, Suite 213, Miami, Florida

33185. Sleep Study was a medical clinic that purportedly provided commercial private insurance beneficiaries with various medical treatments and services, including sleep studies, durable medical equipment, and physical therapy, among others.

7. Defendant **JORGE LUIS TABOADA** was a resident of Miami-Dade County.

**Conspiracy to Commit Health Care Fraud
(18 U.S.C. § 1349)**

From at least as early as in or around 2015, and continuing through in or around January 2020, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

JORGE LUIS TABOADA,

did knowingly and willfully, that is, with the intent to further the object of the conspiracy, combine, conspire, confederate and agree with others known and unknown to the Acting United States Attorney, to commit an offense against the United States, that is, 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 Aetna ASO insurance plans managed by BCBS and Aetna, 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.

PURPOSE OF THE CONSPIRACY

8. It was the purpose of the conspiracy for the defendant and his 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 defendant and his co-conspirators sought to accomplish the object and purpose of the conspiracy included, among others, the following:

9. **JORGE LUIS TABOADA** paid kickbacks to beneficiaries of ASO insurance plans managed by BCBS and Aetna in exchange for allowing Sleep Study to bill for medical benefits, items, and services that were not medically necessary, not eligible for reimbursement, and not received by the beneficiaries.

10. **JORGE LUIS TABOADA** and others submitted and caused the submission of between \$1,500,000 and \$3,500,000 in false and fraudulent claims to BCBS and Aetna for reimbursement. These claims falsely and fraudulently represented that various health care benefits, items, and services were medically necessary, legitimately prescribed by a doctor, and had been provided to insurance beneficiaries of BCBS and Aetna.

11. **JORGE LUIS TABOADA** 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.

FORFEITURE
(18 U.S.C. § 982(a)(7))

1. The allegations of this Information are hereby re-alleged and by this reference fully incorporated herein for the purpose of alleging forfeiture to the United States of certain property in which the defendant, **JORGE LUIS TABOADA**, has an interest.

2. Upon conviction of a violation of Title 18, United States Code, Section 1349, as alleged in this Information, the defendant so convicted shall forfeit to the United States any

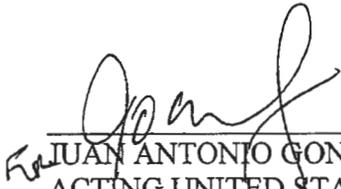
property, real or personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of such offense, pursuant to Title 18, United States Code, Section 982(a)(7).

3. If any of the property subject to 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 subdivided without difficulty;

the United States shall be entitled to the forfeiture of substitute property under the provisions of Title 21, United States Code, Section 853(p).

All pursuant to Title 18, United States Code, Section 982(a)(7), and the procedures set forth in Title 21, United States Code, Section 853, as incorporated by Title 18, United States Code, Section 982(b)(1).



JUAN ANTONIO GONZALEZ
ACTING UNITED STATES ATTORNEY



LINDSEY LAZOPOULOS FRIEDMAN
ASSISTANT UNITED STATES ATTORNEY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

CASE NO. _____

v. JORGE LUIS TABOADA,

CERTIFICATE OF TRIAL ATTORNEY*

Superseding Case Information:

Defendant/

Court Division: (Select One)

- Miami Key West FTL
- WPB FTP

New defendant(s) Yes No

Number of new defendants _____

Total number of counts _____

1. I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
2. I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.
3. Interpreter: (Yes or No) Yes
List language and/or dialect Spanish
4. This case will take 0.00 days for the parties to try.
5. Please check appropriate category and type of offense listed below:

<p>(Check only one)</p> <p>I 0 to 5 days <input checked="" type="checkbox"/></p> <p>II 6 to 10 days <input type="checkbox"/></p> <p>III 11 to 20 days <input type="checkbox"/></p> <p>IV 21 to 60 days <input type="checkbox"/></p> <p>V 61 days and over <input type="checkbox"/></p>	<p>(Check only one)</p> <p>Petty <input type="checkbox"/></p> <p>Minor <input type="checkbox"/></p> <p>Misdemeanor <input type="checkbox"/></p> <p>Felony <input checked="" type="checkbox"/></p>
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6. Has this case previously been filed in this District Court? (Yes or No) No
 If yes: Judge _____ Case No. _____
 (Attach copy of dispositive order)
 Has a complaint been filed in this matter? (Yes or No) No
 If yes: Magistrate Case No. _____
 Related miscellaneous numbers: _____
 Defendant(s) in federal custody as of _____
 Defendant(s) in state custody as of _____
 Rule 20 from the District of _____
 Is this a potential death penalty case? (Yes or No) No
7. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to August 9, 2013 (Mag. Judge Alicia O. Valle)? (Yes or No) No
8. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to August 8, 2014 (Mag. Judge Shaniek Maynard)? (Yes or No) No
9. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to October 3, 2019 (Mag. Judge Jared Strauss)? (Yes or No) No



 Lindsey Lazopoulos Friedman
 Assistant United States Attorney
 FLA Bar No. 091792

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: JORGE LUIS TABOADA

Case No: _____

Count #: 1

Conspiracy to Commit Health Care Fraud

Title 18, United States Code, Section 1349

*Max. Penalty: 10 years' Imprisonment

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT

for the
Southern District of Florida

United States of America

v.

Jorge Luis Taboada,

Defendant

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Case No.

WAIVER OF AN INDICTMENT

I understand that I have been accused of one or more offenses punishable by imprisonment for more than one year. I was advised in open court of my rights and the nature of the proposed charges against me.

After receiving this advice, I waive my right to prosecution by indictment and consent to prosecution by information.

Date: _____

Defendant's signature

Signature of defendant's attorney

Printed name of defendant's attorney

Judge's signature

Judge's printed name and title