

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN

United States of America,

Criminal No.

Plaintiff,

Honorable

v.

VIO: 18 U.S.C. § 1349  
18 U.S.C. § 371  
42 U.S.C. § 1320a-7b  
18 U.S.C. § 982

D-1 MUBASHER SHAH  
D-2 MOUYAD CATCHO  
D-3 WAFA CATCHO

Defendants.

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INDICTMENT

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THE GRAND JURY CHARGES:

**General Allegations**

At all times relevant to this Indictment:

**The Medicare Program**

1. The Medicare program was a federal health care program providing benefits to persons who were over the age of 65 or disabled. Medicare was administered by the Centers for Medicare and Medicaid Services (CMS), a federal agency under the United States Department of Health and Human Services. Individuals who received benefits under Medicare were referred to as Medicare “beneficiaries.”

2. Medicare was a “health care benefit program,” as defined by Title 18, United States Code, Section 24(b).

3. The Medicare program included coverage under two primary components, hospital insurance (“Part A”), and medical insurance (“Part B”). Part A covered physical therapy, occupational therapy, and skilled nursing services if a facility was certified by CMS as meeting certain requirements. Part B of the Medicare Program covered the cost of physicians’ services and other ancillary services not covered by Part A.

4. National Government Services was the CMS intermediary for Medicare Part A in the state of Michigan. Wisconsin Physicians Service was the CMS contracted carrier for Medicare Part B, which included home visits, in the state of Michigan. TrustSolutions LLC was the Program Safeguard Contractor for Medicare Part A and Part B in the state of Michigan until April 24, 2012, when it was replaced by Cahaba Safeguard Administrators LLC as the Zone Program Integrity Contractor (ZPIC). The ZPIC is the contractor charged with investigating fraud, waste and abuse. Cahaba was replaced by AdvanceMed in May 2015.

5. By becoming a participating provider in Medicare, enrolled providers agreed to abide by the policies and procedures, rules, and regulations governing reimbursement. In order to receive Medicare funds, enrolled providers, together with their authorized agents, employees, and contractors, were required to abide by

all the provisions of the Social Security Act, the regulations promulgated under the Act, and applicable policies, procedures, rules, and regulations issued by CMS and its authorized agents and contractors.

6. Upon certification, the medical provider, whether a clinic or an individual, was assigned a provider identification number for billing purposes (referred to as a PIN). When the medical provider rendered a service, the provider submitted a claim for reimbursement to the Medicare contractor/carrier that included the PIN assigned to that medical provider. When an individual medical provider was associated with a clinic, Medicare Part B required that the individual provider number associated with the clinic be placed on the claim submitted to the Medicare contractor.

7. Health care providers were given and/or provided with online access to Medicare manuals and services bulletins describing proper billing procedures and billing rules and regulations. Providers could only submit claims to Medicare for services they rendered and providers were required to maintain patient records to verify that the services were provided as described on the claim form.

8. In order to receive reimbursement for a covered service from Medicare, a provider was required to submit a claim, either electronically or using a form (e.g., a CMS-1500 form or UB-92) containing the required information appropriately identifying the provider, patient, and services rendered.

9. Medicare only covered services that were both medically necessary and rendered.
10. Medicare only covered home health services, if:
  - a. the Medicare beneficiary is under the care of a doctor and receiving services under a plan of care established and reviewed regularly by a doctor;
  - b. the Medicare beneficiary needs, and a doctor certifies that the beneficiary needs, one or more of the following: (i) Intermittent skilled nursing care; (ii) Physical therapy; (iii) Speech-language pathology services; or (iv) Continued occupational therapy;
  - c. the home health agency must be approved by Medicare (Medicare-certified); and
  - d. the Medicare beneficiary is homebound, and a doctor certifies that the Medicare beneficiary is homebound.

### **The Companies**

11. Vital Sign Home Health Care LLC (“Vital Sign”) was a Michigan corporation doing business at 28091 DEQUINDRE STE 102, Madison Heights, Michigan 48071. Vital Sign was a home health agency that purportedly provided in-home physical therapy, occupational therapy, speech pathology, and/or skilled

nursing services to patients. Vital Sign was a Medicare provider and submitted claims directly to Medicare.

12. Rizwan Qadir MD PC (“RQMDPC”) was a Michigan corporation that purportedly provided neurological services to patients. RQMDPC was a Medicare provider and submitted claims directly to Medicare.

### **The Defendants and Co-Conspirators**

13. MUBASHER SHAH, a resident of Macomb County, Michigan, was the owner, operator and registered agent of Vital Sign.

14. WAFA CATCHO, a resident of Macomb County, Michigan, was a patient recruiter for Vital Sign and Dr. Rizwan Qadir.

15. MOUYAD CATCHO, a resident of Macomb County, Michigan, was a patient recruiter for Vital Sign and Dr. Rizwan Qadir.

16. Dr. Rizwan Qadir was a physician licensed in Michigan who owned and operated RQMDPC.

17. Johnny Younan was a patient recruiter in Michigan for doctors and home health agencies.

### **COUNT 1**

#### **Conspiracy To Commit Health Care Fraud and Wire Fraud**

**(18 U.S.C. 1349)**

**D-1 MUBASHER SHAH**

**D-2 MOUYAD CATCHO**

**D-3 WAFA CATCHO**

18. Beginning in or around February 2010 and continuing through in or about July 2015, the exact dates being unknown to the Grand Jury, in Wayne County, in the Eastern District of Michigan, and elsewhere, the defendant, D-1 MUBASHER SHAH, D-2 MOUYAD CATCHO and D-3 WAFA CATCHO did willfully and knowingly combine, conspire, confederate, and agree with Rizwan Qadir, Johnny Younan and others known and unknown to the Grand Jury, to commit certain offenses against the United States, namely:

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, Medicare, 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 program, 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 that the pretenses, representations and promises were false and fraudulent when made, and knowingly transmit and cause to be transmitted, by means of wire

communication in interstate commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, in violation of Title 18, United States Code, Section 1343.

### **Purpose of the Conspiracy**

19. It was a purpose of the conspiracy for D-1 MUBASHER SHAH, D-2 MOUYAD CATCHO and D-3 WAFA CATCHO, Rizwan Qadir, Johnny Younan, and other co-conspirators to unlawfully enrich themselves by, among other things: (a) submitting false and fraudulent claims to Medicare through Vital Sign for claims based on kickbacks and bribes; (b) soliciting, receiving, offering and paying kickbacks and bribes for the purpose of referring Medicare beneficiaries to Vital Sign who did not qualify, and oftentimes never received, home health services covered by Medicare; (c) concealing the submission of false and fraudulent claims to Medicare, the receipt and transfer of the proceeds from the fraud, and the payment of kickbacks and bribes to patient recruiters; and (d) diverting proceeds of the fraud for the personal use and benefit of the defendant and his co-conspirators.

### **Manner and Means**

20. The manner and means by which the defendant and his co-conspirators sought to accomplish the purpose of the conspiracy included, among others, the following:

21. On March 3, 2009, D-1 MUBASHER SHAH, certified to Medicare that Vital Sign would abide by all Medicare laws, regulations and program instructions that applied to Vital Sign, including that Vital Sign would refrain from violating the federal anti-kickback statute.

22. Thereafter, D-1 MUBASHER SHAH, D-2 MOUYAD CATCHO and D-3 WAFA CATCHO and others, devised and participated in a scheme to pay and receive kickbacks and bribes in order to submit and cause the submission of false and fraudulent claims to Medicare on behalf of recruited beneficiaries.

23. D-1 MUBASHER SHAH paid kickbacks and bribes to patient recruiters, including D-2 MOUYAD CATCHO and D-3 WAFA CATCHO, in the form of cash or checks drawn on TCF Bank Account xxxxxx7532 held in the name of Vital Sign Home Health Care LLC.

24. D-2 MOUYAD CATCHO and D-3 WAFA CATCHO caused Rizwan Qadir to sign falsified and fabricated home health referrals and medical records, including CMS-485s ("Plans of Care"), for recruited beneficiaries.

25. D-2 MOUYAD CATCHO and D-3 WAFA CATCHO delivered or caused to be delivered the home health referrals and medical records signed by Qadir for recruited beneficiaries to D-1 MUBASHER SHAH in exchange for kickbacks.



26. D-1 MUBASHER SHAH submitted and caused the submission of false and fraudulent claims to Medicare for home health services that were not medically necessary and/or not provided based on the referrals and medical records provided to him by D-2 MOUYAD CATCHO and D-3 WAFA CATCHO.

27. D-1 MUBASHER SHAH through the use of interstate wires, submitted and caused the submission of false and fraudulent claims to Medicare for home health services purportedly provided by Vital Sign in an amount exceeding \$4.5 million.

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

**COUNT 2**  
**Conspiracy To Pay and Receive Healthcare Kickbacks**  
**(18 U.S.C. § 371)**  
**D-1 MUBASHER SHAH**  
**D-2 MOUYAD CATCHO**  
**D-3 WAFA CATCHO**

28. Paragraphs 1 through 17, and 21 through 26 of this Indictment are realleged and incorporated by reference as though fully set forth herein.

29. From in or around February 2010, and continuing through in or about July 2015, the exact dates being unknown to the Grand Jury, in the Eastern District of Michigan, and elsewhere, defendant D-1 MUBASHER SHAH, D-2 MOUYAD CATCHO, and D-3 WAFA CATCHO did willfully and knowingly combine, conspire, confederate, and agree with Rizwan Qadir, Johnny Younan, and others

known and unknown to the Grand Jury, to commit certain offenses against the United States, that is,

a. To defraud the United States by impairing, impeding, obstructing, and defeating through deceitful and dishonest means, the lawful government functions of the Department of Health and Human Services in its administration and oversight of the Medicare program; and

b. to violate Title 42, United States Code, Section 1320a-7b(b)(1)(A) by knowingly and willfully soliciting or receiving any remuneration (including any kickback, bribe, or rebate) directly or indirectly, overtly or covertly, in cash or in kind in return for referring an individual to a person for the furnishing or arranging for the furnishing of any item or service for which payment may be made in whole or in part by Medicare, a Federal health care program as defined in Title 18, United States Code, Section 24(b), and

c. to violate Title 42, United States Code, Section 1320a-7b(b)(2)(A) by knowingly and willfully offering or paying any remuneration (including any kickback, bribe, or rebate) directly or indirectly, overtly or covertly, in cash, in check, or in kind in return for referring an individual to a person for the furnishing or arranging for the furnishing of any item or service for which payment may be made in whole or in part by Medicare, a Federal health care program as defined in Title 18, United States Code, Section 24(b).

### **Purpose of the Conspiracy**

30. It was a purpose of the conspiracy for defendants D-1 MUBASHER SHAH, D-2 MOUYAD CATCHO, D-3 WAFA CATCHO, and their co-conspirators to unlawfully enrich themselves by: (1) offering, paying, soliciting, and receiving kickbacks and bribes in return for Medicare beneficiary referrals to Vital Sign to serve as patients; and (2) submitting and causing the submission of claims to Medicare for purported home health services provided to those recruited beneficiaries.

### **Manner and Means**

31. The manner and means by which the defendants sought to accomplish the purpose of the conspiracy included, among other things:

32. D-2 MOUYAD CATCHO, D-3 WAFA CATCHO, Johnny Younan, and others would offer bribes, kickbacks and other inducements to Medicare beneficiaries in exchange for the Medicare beneficiary receiving medical services.

33. Rizwan Qadir would pay kickbacks and bribes in the form of cash or checks to D-2 MOUYAD CATCHO, D-3 WAFA CATCHO, Johnny Younan, and others in exchange for Medicare beneficiary information, which was used to support claims to Medicare on behalf of RQMDPC.

34. Rizwan Qadir would then sign home health referrals for the recruited beneficiaries brought to him by D-2 MOUYAD CATCHO, D-3 WAFA CATCHO, Johnny Younan, and others.

35. D-1 MUBASHER SHAH would then pay D-2 MOUYAD CATCHO, D-3 WAFA CATCHO, Johnny Younan, and others for these home health referrals signed by Rizwan Qadir and others that he would then use to purportedly provide services that were then billed to Medicare.

### **Overt Acts**

36. In furtherance of the conspiracy, and to accomplish its purposes and objects, at least one of the conspirators committed, or caused to be committed, in the Eastern District of Michigan, the following overt acts, among others:

37. On or about February 3, 2010, D-1 MUBASHER SHAH signed Vital Sign check #1229 in the approximate amount of \$3,000 made payable to Johnny Younan.

38. On or about March 3, 2012, D-1 MUBASHER SHAH signed Vital Sign check #1884 in the approximate amount of \$2,200 made payable to Johnny Younan.

39. On or about July 24, 2014, D-2 MOUYAD CATCHO paid \$25 to R.W. as a cash kickback in return for his receipt of services from Dr. Qadir.

40. On or about January 2013, D-1 MUBASHER SHAH paid D-3 WAFA CATCHO \$700 in cash for the home health referral of Medicare beneficiary, H.K. signed by Qadir.

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

**COUNTS 3-6**

**Payment or Receipt of Kickbacks in Connection with a  
Federal Health Care Program**

**(42 U.S.C. § 1320a-7b(b)(1)(A))**

**D-1 MUBASHER SHAH**

**D-2 MOUYAD CATCHO**

**D-3 WAFA CATCHO**

41. Paragraphs 1 through 17, 21 through 26, and 29 through 40 of this Indictment are realleged and incorporated by reference as though fully set forth herein.

42. On or about the dates enumerated below, in the Eastern District of Michigan and elsewhere, defendants D-1 MUBASHER SHAH, D-2 MOUYAD CATCHO and D-3 MOUYAD CATCHO did knowingly and willfully solicit, offer, pay and receive remuneration, that is kickbacks and bribes, directly and indirectly, overtly and covertly, in the forms of checks and cash, to or from a person in order to induce them to refer an individual to a person for the furnishing and arranging for the furnishing of any item or service for which payment may be made in whole or in part under a Federal health care program as defined in Title 18 United States Code, Section 24(b), that is, Medicare, as set forth below:

<b>Count</b>	<b>Defendant</b>	<b>Approximate Date of Payment</b>	<b>Amount</b>	<b>Description</b>
3	<b>D-1 MUBASHER SHAH</b>	February 3, 2010	\$3,000	Check # 1229 from Vital Sign Home Health Care, LLC., to Johnny Younan
4	<b>D-1 MUBASHER SHAH</b>	March 3, 2012	\$2,200	Check # 1844 from Vital Sign Home Health Care, LLC., to Johnny Younan
5	<b>D-2 MOUYAD CATCHO</b>	May 25, 2011	\$25	Cash paid to beneficiary, R.W.
6	<b>D-3 Wafa CATCHO</b>	January 25, 2013	\$700	Cash paid for referral of H.K.

**Forfeiture Allegations**  
**(18 U.S.C. § 982)**

43. The above allegations contained in this Indictment are incorporated by reference as if set forth fully herein for the purpose of alleging forfeiture against all defendants pursuant to the provisions of Title 18, United States Code, Section 982.

44. Upon being convicted of violating Title 18, United States Code, Section 371, and/or Title 42, United States Code, Sections 1320a-7b, as set forth in this Indictment, the convicted defendant(s) shall forfeit to the United States all property, real and personal, which constitutes or is derived, directly or indirectly, from gross proceeds traceable to such violation(s), pursuant to Title 18, United States Code, Section 982(a)(7).

45. **Forfeiture Money Judgment:** The United States shall also seek the imposition of a personal forfeiture money judgment against defendants D-1 MUBASHER SHAH, D-2 MOUYAD CATCHO and D-3 MOUYAD CATCHO in

an amount up to the value of the gross proceeds obtained as a result of defendants' violations of Title 18, United States Code, Section 371 and Title 42, United States Code, Sections 1320a-7b.

46. Substitute Assets: Pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b), defendants D-1 MUBASHER SHAH, D-2 MOUYAD CATCHO and D-3 MOUYAD CATCHO shall forfeit substitute property, if by any act or omission of the defendants, property subject to forfeiture: (a) cannot be located upon the exercise of due diligence; (b) has been transferred, 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.

THIS IS A TRUE BILL

s/Grand Jury Foreperson  
GRAND JURY FOREPERSON

BARBARA L. MCQUADE  
United States Attorney

s/Wayne F. Pratt  
WAYNE F. PRATT  
Chief, Health Care Fraud Unit  
Assistant United States Attorney  
211 W. Fort St., Suite 2001  
Detroit, MI 48226  
(313) 226-2548  
[wayne.pratt@usdoj.gov](mailto:wayne.pratt@usdoj.gov)

s/Allan J. Medina  
ALLAN J. MEDINA  
Assistant Chief  
Criminal Division, Fraud Section  
U.S. Department of Justice  
1400 New York Avenue, N.W., Third Floor  
Washington, D.C. 20005  
(202) 257-6537  
[Allan.medina@usdoj.gov](mailto:Allan.medina@usdoj.gov)

s/Amy M. Markopoulos  
AMY M. MARKOPOULOS  
Trial Attorney  
Criminal Division, Fraud Section  
U.S. Department of Justice  
1400 New York Avenue, N.W., Third Floor  
Washington, D.C. 20005  
(202) 230-0595  
[Amy.markopoulos@usdoj.gov](mailto:Amy.markopoulos@usdoj.gov)

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