

FILED
VANESSA L. ARMSTRONG, CLERK

JUN 17 2015

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

U.S. DISTRICT COURT
WEST'N. DIST. KENTUCKY

UNITED STATES OF AMERICA

SUPERSEDING INDICTMENT

v.

NO. 3:15CR-12-GNS
18 U.S.C. § 982(a)(1)
18 U.S.C. § 982(a)(7)
18 U.S.C. § 1347
18 U.S.C. § 1957
21 U.S.C. § 841(a)(1)
21 U.S.C. § 841(b)(1)(C)
21 U.S.C. § 841(b)(1)(E)(i)
21 U.S.C. § 846
21 U.S.C. § 853

JAIME GUERRERO

The Grand Jury charges:

COUNT 1
(Conspiracy)

Beginning no later than November 1, 2009, and continuing through on or about January 1, 2013, in the Western District of Kentucky, Jefferson County, Kentucky, and elsewhere, **JAIME GUERRERO**, defendant herein, and others, known and unknown to the Grand Jury, did conspire with each other to knowingly and intentionally distribute and dispense, and caused to be distributed and dispensed, Schedule II and III controlled substances to patients, without a legitimate medical purpose and beyond the bounds of professional medical practice.

In violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(C), 841(b)(1)(E)(i), and 846.

The Grand Jury further charges:

COUNTS 2-24

(Unlawful Distribution and Dispensing of Controlled Substances-Schedule II)

During the date ranges listed below, in the Western District of Kentucky, Jefferson County, Kentucky, and elsewhere, **JAIME GUERRERO**, defendant herein, knowingly and intentionally distributed and dispensed, and caused to be distributed and dispensed, Schedule II controlled substances to the patients listed below, without a legitimate medical purpose and beyond the bounds of professional medical practice:

COUNTS	DATES	DRUG(s)	PATIENTS
2	December 10, 2009 through May 8, 2014	Oxycodone	J.H.
3	December 10, 2009 through August 16, 2012	Oxycodone Methadone	K.M.
4	December 6, 2011 through August 7, 2012	Oxycodone Opana Morphine	J.P.
5	December 14, 2009 through May 9, 2012	Oxycodone	J.J.
6	June 14, 2010 through March 24, 2011	Oxycodone	C.S.
7	December 12, 2009 through July 22, 2011	Oxycodone	A.S.
8	November 30, 2009 through May 26, 2011	Oxycodone Opana	M.W.
9	December 7, 2009 through December 7, 2009	Oxycodone	P.C.
10	May 4, 2010 through October 24, 2010	Oxycodone	T.C.
11	November 19, 2009 through March 24, 2010	Oxycodone	D.H.
12	November 25, 2009	Kadian	K.S.
13	September 26, 2011 through March 15, 2012	Oxycodone	M.A.
14	December 15, 2009 through January 10, 2012	Methadone	B.C.
15	April 15, 2009 through March 5, 2012	Methadone	R.C.

16	November 25, 2009 through April 27, 2011	Methadone Oxycodone	G.B.
17	March 1, 2011 through September 14, 2011	Methadone	J.M.
18	November 19, 2009 through September 6, 2011	Methadone	C.T.
19	December 9, 2009 through February 10, 2012	Methadone Morphine	E.A.
20	February 9, 2010 through July 4, 2012	Oxycodone Morphine	T.R.
21	December 21, 2009 through August 5, 2010	Methadone	D.P.
22	December 14, 2009 through September 27, 2012	Opana Methadone	J.J.
23	November 28, 2011 through September 26, 2012	Morphine	P.C.
24	August 1, 2010 through May 29, 2012	Opana Oxycodone	T.B.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

The Grand Jury further charges:

COUNTS 25-26

(Unlawful Distribution and Dispensing of Controlled Substance-Hydrocodone)

During the date ranges listed below, in the Western District of Kentucky, Jefferson County, Kentucky, and elsewhere, **JAIME GUERRERO**, defendant herein, knowingly and intentionally distributed and dispensed, and caused to be distributed and dispensed Hydrocodone, a Schedule III controlled substance, to the patients listed below, without a legitimate medical purpose and beyond the bounds of professional medical practice:

COUNTS	DATES	PATIENTS
25	March 23, 2010 through March 12, 2012	T.A.
26	March 30, 2011 through September 14, 2011	J.M.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(E)(i).

The Grand Jury further charges:

COUNT 27

(Unlawful Distribution and Dispensing of Oxycodone Resulting in the Death of K.J.)

Beginning on or about June 6, 2011, and continuing through August 25, 2011, in the Western District of Kentucky, Jefferson County, Kentucky, and elsewhere, **JAIME GUERRERO**, defendant herein, knowingly and intentionally distributed and dispensed, and caused to be distributed and dispensed Oxycodone, a Schedule II controlled substance, to K.J., without a legitimate medical purpose and beyond the bounds of professional medical practice, which resulted in K.J.'s death, on or about August 29, 2011.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

The Grand Jury further charges:

COUNT 28

(Unlawful Distribution and Dispensing of Oxycodone Resulting in the Death of D.N.)

Beginning on or about December 15, 2009, and continuing through April 1, 2010, in the Western District of Kentucky, Jefferson County, Kentucky, and elsewhere, **JAIME GUERRERO**, defendant herein, knowingly and intentionally distributed and dispensed, and caused to be distributed and dispensed Methadone, a schedule II controlled substance, to D.N., without a legitimate medical purpose and beyond the bounds of professional medical practice, which resulted in D.N.'s death, on or about April 5, 2011.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

The Grand Jury further charges:

COUNT 29

(Unlawful Distribution and Dispensing of Oxycodone Resulting in the Death of R.S.)

Beginning on or about December 10, 2009, and continuing through February 9, 2010, in the Western District of Kentucky, Jefferson County, Kentucky, and elsewhere, **JAIME GUERRERO**, defendant herein, knowingly and intentionally distributed and dispensed, and caused to be distributed and dispensed Oxycodone, a Schedule II controlled substance, to R.S., without a legitimate medical purpose and beyond the bounds of professional medical practice, which resulted in R.S.'s death, on or about February 18, 2010.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

The Grand Jury further charges:

COUNT 30

(Unlawful Distribution and Dispensing of Oxycodone Resulting in the Death of P.F.)

Beginning on or about December 28, 2009, and continuing through February 20, 2012, in the Western District of Kentucky, Jefferson County, Kentucky, and elsewhere, **JAIME GUERRERO**, defendant herein, knowingly and intentionally distributed and dispensed, and caused to be distributed and dispensed Oxycodone, a Schedule II controlled substance, to P.F., without a legitimate medical purpose and beyond the bounds of professional medical practice, which resulted in P.F.'s death, on or about March 3, 2012.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

The Grand Jury further charges:

COUNT 31

(Unlawful Distribution and Dispensing of Hydrocodone Resulting in the Death of S.O.)

Beginning on or about January 6, 2010, and continuing through September 16, 2011, in the Western District of Kentucky, Jefferson County, Kentucky, and elsewhere, **JAIME GUERRERO**, defendant herein, knowingly and intentionally distributed and dispensed, and caused to be distributed and dispensed Hydrocodone, a Schedule III controlled substance, to S.O., without a legitimate medical purpose and beyond the bounds of professional medical practice, which resulted in S.O.'s death, on or about September 24, 2011.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(E)(i).

The Grand Jury further charges:

COUNT 32

(Health Care Fraud-Upcoding)

On or about May 26, 2011, June 15, 2011, and June 22, 2011, in the Western District of Kentucky, Jefferson County, Kentucky, and elsewhere, **JAIME GUERRERO**, defendant herein, knowingly and willfully executed, and attempted to execute, a scheme and artifice to obtain, by means of false or fraudulent pretenses, representations, and promises, money and property owned by and under the custody or control of health care benefit programs, in connection with the delivery of and payment for health care benefits, items, and services, to wit: **JAIME GUERRERO** saw more than 100 patients on each of the below-listed dates, by himself, spending approximately 3 minutes or less with each patient, but falsely and fraudulently billing various health care benefit programs, listed below, among others, by submitting claims for office visits at a higher code than the service provided, including but not limited to, the below listed patients:

DATES	BENEFICIARY	PROGRAM	E&M CODE BILLED
May 26, 2011	B.B.	Anthem	99213
May 26, 2011	J.H.	Humana	99214
May 26, 2011	L.N.	Medicare	99214
May 26, 2011	A.S.	Medicare	99213
May 26, 2011	M.W.	Anthem	99213
May 26, 2011	G.C.	Anthem	99213
June 15, 2011	C.B.	MD Wise Hoosier Alliance	99213
June 15, 2011	J.D.	United Healthcare	99213
June 15, 2011	K.S.	Medicare	99213
June 15, 2011	D.C.	Medicare	99213
June 15, 2011	K.D.	Medicare	99214
June 15, 2011	M.D.	Anthem IN Medicaid	99214
June 22, 2011	T.L.	Anthem IN Medicaid	99213
June 22, 2011	E.A.	Medicare	99213
June 22, 2011	J.J.	Medicare	99213
June 22, 2011	J.M.	Humana	99214
June 22, 2011	J.H.	Hoosier Health	99213
June 22, 2011	O.W.	Managed Health Services	99213

In violation of Title 18, United States Code, Section 1347.

The Grand Jury further charges:

COUNT 33
(Health Care Fraud-Counseling Services)

In or about and between July 9, 2010, and July 22, 2010, in the Western District of Kentucky, Jefferson County, Kentucky, and elsewhere, **JAIME GUERRERO**, defendant herein, knowingly and willfully executed, and attempted to execute, a scheme and artifice to obtain, by means of false or fraudulent pretenses, representations, and promises, money and property owned by and under the custody and control of health care benefit programs, in connection with the delivery of and payment for health care benefits, items, and services, to wit: **JAIME GUERRERO** was out of the office, but directed a staff member, who was not a licensed counselor, to provide drug education classes to patients, and falsely and fraudulently billed various health care benefit programs, listed below, among others, by submitting claims for 15-30 minute counseling sessions, including but not limited to, the below-listed patients:

DATES	BENEFICIARY	PROGRAM	E&M CODE BILLED
July 9, 2010	R.M.	Medicare	G0396
July 9, 2010	A.G.C.	Humana	99408
July 9, 2010	B.J.	Humana	99408
July 9, 2010	J.B.	Medicare	G0396
July 14, 2010	M.W.	Anthem	99408
July 14, 2010	C.G.	Hoosier Health	99408
July 14, 2010	B.G.	Hoosier Health	99408
July 14, 2010	T.M.	Medicare	G0396
July 22, 2010	G.B.	Medicare	G0396
July 22, 2010	T.C.	Medicare	G0396

July 22, 2010	A.S.	Medicare	G0396
July 22, 2010	O.W.	Managed Health Services	99408

In violation of Title 18, United States Code, Section 1347.

The Grand Jury further charges:

COUNT 34
(Health Care Fraud-Upcoding)

Beginning on or about January 1, 2008, and continuing through June 15, 2012, in the Western District of Kentucky, Jefferson County, Kentucky, and elsewhere, **JAIME GUERRERO**, defendant herein, knowingly and willfully executed, and attempted to execute, a scheme and artifice to obtain, by means of false or fraudulent pretenses, representations, and promises, money and property owned by and under the custody and control of health care benefit programs, in connection with the delivery of, and payment for, health care benefits, items, and services, to wit: **JAIME GUERRERO** falsely and fraudulently submitted over 100 claims to various health care benefit programs, listed below, among others, 1) for office visits at a higher code than the service provided; 2) for office visits that were not medically necessary or within the course of usual medical practice; 3) for services that were not sufficiently documented in the patient's medical record; and 4) for office visits as though a physician saw the patient, when in fact, a nurse practitioner saw the patient, including but not limited to, the below-listed patients:

DATES	BENEFICIARY	PROGRAM	E&M CODE BILLED
May 23, 2012	T.L.	Anthem Medicaid	99214
March 16, 2011	J.S.	Anthem Medicaid	99204
September 2, 2011	A.K.	Anthem Medicaid	99214

December 8, 2010	C.C.	Anthem Medicaid	99213
May 4, 2010	D.B.	Anthem Medicare	99214
December 6, 2011	A.I.	Anthem Medicare	99204
January 6, 2011	J.D.	Anthem Medicare	99204
May 7, 2012	C.R.	Anthem Medicare	99214
May 8, 2012	R.C.	Anthem	99205
May 3, 2012	S.G.	Anthem	99214
February 28, 2011	A.H.	Anthem	99213
November 30, 2009	S.S.	Anthem	99214
May 8, 2012	F.T.	Medicare	99214
September 9, 2010	M.W.	Medicare	99204
October 27, 2010	J.P.	Medicare	99213
May 5, 2011	D.S.	Humana	99214
March 22, 2010	J.O.	Humana	99213
February 2, 2012	N.L.	Humana	99214
January 13, 2009	G.S.	Humana	99214
September 22, 2011	P.H.	UHC Optum	99214
September 1, 2011	C.H.	UHC Optum	99214
July 13, 2011	D.M.	UHC Optum	99214
July 27, 2011	R.C.	UHC Optum	99214

In violation of Title 18, United States Code, Section 1347

The Grand Jury further charges:

COUNT 35
(Money Laundering)

On or about September 2, 2014, in the Western District of Kentucky, Jefferson County, Kentucky and elsewhere, **JAIME GUERRERO**, defendant herein, knowingly engaged and attempted to engage in a monetary transaction in criminally derived property, greater than \$10,000, when **JAIME GUERRERO** redeemed the building, located at 1201 West Wall Street, Jeffersonville, Indiana, with \$89,556.25 in cash derived from a specified unlawful activity, that is the unlawful dispensing and distribution of controlled substances and health care fraud, alleged in Counts 1 through 34 of this Superseding Indictment.

In violation of Title 18, United States Code, Section 1957.

NOTICE OF FORFEITURE

1. The Grand Jury realleges counts 1-35 of this Superseding Indictment, as set forth above, and incorporates the counts by reference as if the same were fully set forth herein.

2. As a result of committing violations of Title 21, United States Code, Sections 841 and 846; and Title 18, United States Code, Sections 1347 and 1957, as alleged in this Superseding Indictment, **JAIME GUERRERO**, defendant herein, shall forfeit to the United States any and all property constituting, or derived from proceeds **JAIME GUERRERO** obtained, directly or indirectly, as a result of the offenses alleged in this Indictment, and any property which facilitated or was involved in such offenses, including but not limited to:

- a. Money Judgment for the proceeds of these offenses;
- b. **JAIME GUERRERO'S** license to practice medicine.

3. If any of the above-described forfeitable property, as a result of any act or omission of **JAIME GUERRERO**, defendant herein,

- 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 divided without difficulty;


it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendant, up to the value of the above-described forfeitable property, including but not limited to, real property owned by Guerrero Real Estate Investments, LLC, located at 1201 W. Wall Street, Jeffersonville, IN 47130, filed in the Clark County Clerk's Office under I 20111673.

Pursuant to Title 18, United States Code, Sections 982(a)(1) and (7), and Title 21, United States Code, Section 853.

A TRUE BILL.

Redacted

FOREPERSON



JOHN E. KUHN, JR.
ACTING UNITED STATES ATTORNEY

JEK:LJW:JRA:nbw:20150512

No. 3:15CR-12-GNS

UNITED STATES DISTRICT COURT
Western District of Kentucky
Louisville Division

THE UNITED STATES OF AMERICA

vs.

JAIME GUERRERO

SUPERSEDING INDICTMENT

**Title 21 U.S.C. §§ 841(a)(1); 841(b)(1)(C);
841(b)(1)(E)(i); 846;**

Title 18 U.S.C. §§ 1347; 1957;

**Conspiracy to Distribute and Dispense
Controlled Substances Without a Legitimate
Medical Purpose; Unlawful Distribution and
Dispensing of Controlled Substances; Unlawful
Distribution and Dispensing of Controlled
Substances Resulting in Death; Health Care
Fraud; Money Laundering.**

A true bill

Redacted

Foreperson

Filed in open court this 17th day, of June A.D. 2015.

Clerk

Bail, \$

FILED
VANESSA L. ARMSTRONG, CLERK

JUN 17 2015

U.S. DISTRICT COURT
WEST'N. DIST. KENTUCKY