

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. _____

16-20457

CR-WILLIAMS
MAGISTRATE JUDGE
SIMONTON

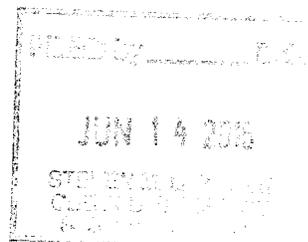
18 U.S.C. § 1349
18 U.S.C. § 1347
18 U.S.C. § 2
18 U.S.C. § 982(a)(7)

UNITED STATES OF AMERICA

vs.

**ROGELIO ALONSO,
MERCEDES ALONSO,
and
SHEINADER TELFORT,**

Defendants.



INDICTMENT

The Grand Jury charges that:

GENERAL ALLEGATIONS

At all times relevant to this Indictment:

Commercial Insurance

1. Blue Cross Blue Shield ("BCBS"), AvMed, Cigna, and United Healthcare ("UHC") were "health care benefit programs," as defined by Title 18, United States Code, Section 24(b).
2. These entities, BCBS, AvMed, Cigna, and UHC, 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.

3. To obtain payment for treatment 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 HICN 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").

4. When a provider submitted a claim form to a commercial insurance plan, the provider party certified that the contents of the form were true, correct, complete, and that the form was prepared in compliance with the laws and regulations. The submitting party also certified that the services being billed were medically necessary and were in fact provided as billed.

The Defendants and Related Entities

5. A+ Therapy & Massage Center, Corp. ("A+ Therapy") was a Florida corporation, located at 5040 N.W. 7th Street, Miami, Florida. A+ Therapy was a medical clinic that purportedly provided private insurance beneficiaries with various medical treatments and services.

6. Best Medical and Rehabilitation Center, Inc. ("Best Medical") was a Florida corporation, located at 701 N.W. 57th Avenue #350, Miami, Florida. Best Medical was a

medical clinic that purportedly provided private insurance beneficiaries with various medical treatments and services.

7. Casualty Rehabilitation Center, Inc. ("Casualty") was a Florida corporation, located at 85 Grand Canal Drive #407, Miami, Florida. Casualty was a medical clinic that purportedly provided private insurance beneficiaries with various medical treatments and services.

8. Dedicated Medical Center, Corp. ("Dedicated") was a Florida corporation, located at 85 Grand Canal Drive #407, Miami, Florida. Dedicated was a medical clinic that purportedly provided private insurance beneficiaries with various medical treatments and services.

9. Defendant **ROGELIO ALONSO** was a resident of Miami-Dade County.

10. Defendant **MERCEDES ALONSO**, a resident of Miami-Dade County, was the director, president, and registered agent of A+ Therapy; president, vice-president, and registered agent of Best Medical; vice-president, and registered agent of Casualty; and president, and registered agent of Dedicated.

11. Defendant **SHEINADER TELFORT** was a resident of Miami-Dade County.

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

1. Paragraphs 1 through 11 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 January of 2011, and continuing through in or around August of 2015, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

**ROGELIO ALONSO,
MERCEDES ALONSO,
and
SHEINADER TELFORT,**

did willfully, that is, with the intent to further to 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 State of America, 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, Cigna, AvMed, and UHC, 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 and payment for health care benefits, items, 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 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. **ROGELIO ALONSO, MERCEDES ALONSO**, and their co-conspirators, via interstate wire transmission, submitted and caused the submission of false and fraudulent claims to BCBS, Cigna, AvMed Advantage, on behalf of A+ Therapy, seeking approximately \$5,322,059 as reimbursement for injection treatments, physical therapy, and other medical items and services which were neither ordered by a physician nor provided to a beneficiary as claimed.

5. As a result of such false and fraudulent claims, **ROGELIO ALONSO, MERCEDES ALONSO** and their co-conspirators caused private insurance plans including BCBS, Cigna, AvMed, and UHC, to make payments to A+ Therapy in the approximate amount of \$1,403,717.

6. **ROGELIO ALONSO, MERCEDES ALONSO, SHEINADER TELFORT**, and their co-conspirators submitted and caused the submission of false and fraudulent claims to private insurance plans, via interstate wire transmission, including BCBS, Cigna, AvMed, and UHC, on behalf of Best Medical seeking approximately \$5,081,367 as reimbursement for injection treatments, physical therapy treatments, and other medical items and services which were neither ordered by a physician nor provided to a beneficiary as claimed.

7. As a result of such false and fraudulent claims, **ROGELIO ALONSO, MERCEDES ALONSO, SHEINADER TELFORT**, and their co-conspirators caused private

insurance plans including BCBS, Cigna, and UHC, to make payments to Best Medical in the approximate amount of \$744,631.

8. **ROGELIO ALONSO, MERCEDES ALONSO, SHEINADER TELFORT,** and their co-conspirators, via interstate wire transmission, submitted and caused the submission of false and fraudulent claims to private insurance plans, including BCBS and Cigna, on behalf of Casualty seeking approximately \$25,265 as reimbursement for injection treatments, physical therapy treatments, and other medical items and services which were neither ordered by a physician nor provided to a beneficiary as claimed.

9. **ROGELIO ALONSO, MERCEDES ALONSO, SHEINADER TELFORT,** and their co-conspirators, via interstate wire transmission, submitted and caused the submission of false and fraudulent claims to private insurance plans, including BCBS, Cigna, AvMed, and UHC, on behalf of Dedicated seeking approximately \$234,122 as reimbursement for injection treatments, physical therapy treatments, and other medical items and services which were neither ordered by a physician nor provided to a beneficiary as claimed.

10. As a result of such false and fraudulent claims, **ROGELIO ALONSO, MERCEDES ALONSO, SHEINADER TELFORT,** and their co-conspirators caused private insurance plans including BCBS, to make payments to Dedicated in the approximate amount of \$83,863.

11. **ROGELIO ALONSO, MERCEDES ALONSO, and SHEINADER TELFORT** used the proceeds of the health care fraud for their personal use and benefit, the use and benefit of others, and to further the fraud.

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

COUNTS 2-9
Health Care Fraud
(18 U.S.C. § 1347)

1. Paragraphs 1 through 11 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 January of 2011, and continuing through in or around August of 2015, in Miami-Dade County, in the Southern District of Florida, the defendants,

ROGELIO ALONSO,
MERCEDES ALONSO,
and
SHEINADER TELFORT,

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, Cigna, AvMed, and UHC, 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, and the use and benefit of others, and to further the fraud.

The Scheme and Artifice

4. The allegations contained in paragraphs 4 through 11 of the Manner and Means section of Count 1 of this Indictment are realleged 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

5. 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, as specified in each count below, 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, Cigna, AvMed, and UHC, 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 to BCBS, Cigna, AvMed, and UHC seeking the identified dollar amounts, and representing that the medical clinics listed below provided medical treatment and services to beneficiaries pursuant to physicians' orders and prescriptions:

Count	Defendant(s)	Approx. date claim Submitted	Clinic	Beneficiary (Ins. Plan)	Claim Number	Services Claimed; Approx. Amount Claimed
2	ROGELIO ALONSO, MERCEDES ALONSO	3/14/12	A+ Therapy	M.R. (Cigna)	4681209590143	Pyridoxine HCL 100 MG (J3415); \$1400
3	ROGELIO ALONSO, MERCEDES ALONSO	5/16/12	A+ Therapy	M.F (UHC)	372706542501	Injection Thiamine HCL 100 MG (J3411); \$1400

Count	Defendant(s)	Approx. date claim Submitted	Clinic	Beneficiary (Ins. Plan)	Claim Number	Services Claimed; Approx. Amount Claimed
4	ROGELIO ALONSO, MERCEDES ALONSO	2/28/14	Best Medical	D.R. (BCBS)	H100000396753098	Injection, Methylprednisolone Acetate, 80 MG (J1040); \$1500
5	ROGELIO ALONSO, MERCEDES ALONSO, SHEINADER TELFORT	3/31/14	Best Medical	R.M. (BCBS)	H100000410865341	Injection, Methocarbamol, up to 10ML (J2800); \$5,250
6	ROGELIO ALONSO, MERCEDES ALONSO	1/23/15	Dedicated	J.N. (BCBS)	H100000450155604	Injection, Methocarbamol, up to 10 ML (J2800); \$515
7	ROGELIO ALONSO, MERCEDES ALONSO	4/16/15	Best Medical	F.G. (BCBS)	H100000357899117	Hyaluronan or Derivative, Synvisc or Synvisc-one, for intra articular injection, 1 MG (J7325); \$2,400
8	ROGELIO ALONSO, MERCEDES ALONSO	5/07/15	Best Medical	R.T. (AvMed)	131665101091	Hyaluronan or Derivative, Synvisc or Synvisc-One, for Intra-Articular (J7325); \$2400

Count	Defendant(s)	Approx. date claim Submitted	Clinic	Beneficiary (Ins. Plan)	Claim Number	Services Claimed; Approx. Amount Claimed
9	ROGELIO ALONSO, MERCEDES ALONSO, SHEINADER TELFORT	7/02/15	Casualty	R.M. (BCBS) <i>[Handwritten initials]</i>	H100000478242826	Therapeutic Proceedue, One or More Areas, each 15 Minutes; Therapeutic Exercise (97110); \$300 <i>[Handwritten initials]</i>

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

FORFEITURE
(18 U.S.C. § 982 (a)(7))

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 America of certain property in which the defendants, **ROGELIO ALONSO, MERCEDES ALONSO, and SHEINADER TELFORT** 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 9 of this Indictment, the defendants 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 \$2,232,211 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 defendant's sentence.

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

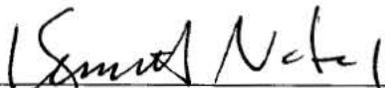
- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot 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.

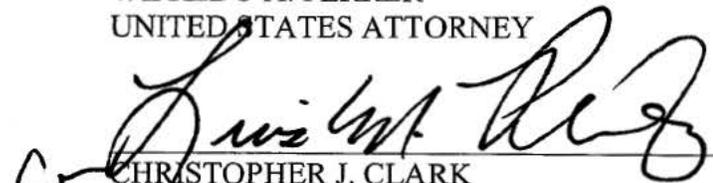
All pursuant to Title 18, United States Code, Section 982(a)(7); and the procedures set forth at Title 21, United States Code, Section 853, as made applicable by Title 18 United States Code, Section 982(b)(1).

A TRUE BILL

FOREPERSON



WIFREDO A. FERRER
UNITED STATES ATTORNEY



CHRISTOPHER J. CLARK
ASSISTANT UNITED STATES ATTORNEY