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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JUANITA HICKMON,

Defendant.

Case:2:17-cr-20466
Judge: Steeh, George Caram
MJ: Patti, Anthony P.
Filed: 07-06-2017 At 04:40 PM
INDI USA V. HICKMON (DA)

VIO: 18 U.S.C. § 1347
18 U.S.C. § 287
18 U.S.C. § 2
18 U.S.C. § 982

INDICTMENT

THE GRAND JURY CHARGES:

General Allegations

At all times relevant to this Indictment:

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 B of the Medicare Program covered the cost of physicians’ services and other ancillary services not covered by Part A. The claims at issue in this indictment were submitted under Part B of the Medicare Program.

4. Wisconsin Physicians Service was the CMS contracted carrier for Medicare Part B in the state of Michigan. TrustSolutions LLC was the Program Safeguard Contractor for Medicare Part B in the state of Michigan until April 24, 2012, when it was replaced by Cahaba Safeguard Administrators LLC (“Cahaba”) as the Zone Program Integrity Contractor (“ZPIC”). The ZPIC was 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. 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-04) containing the required information appropriately identifying the provider, patient, and services rendered, among other things.

9. An electronic funds transfer, or EFT, is the electronic message used by health plans to order a financial institution to electronically transfer funds to a provider's account to pay for health care services. An EFT includes information such as: amount being paid, name and identification of the payer and payee, bank accounts of the payer and payee, routing numbers, and date of payment.

10. MY ANGELS WORKSHOP, LLC ("My Angels Workshop"), was a Michigan limited liability company, incorporated in or around March 2015, and located at 2515 E. 12 Mile Road, Warren Michigan 48092. My Angels Workshop was enrolled as a participating provider with Medicare.

11. Defendant JUANITA HICKMON, a resident of Macomb County, Michigan, was the registered owner for My Angels Workshop.

COUNT 1
(18 U.S.C. §§ 1347 and 2 - Health Care Fraud)

12. Paragraphs 1 through 11 of the General Allegations section of this Indictment are re-alleged and incorporated by reference as though fully set forth herein.

13. From in or around March 2015, and continuing through in or around February 2017, the exact dates being unknown to the Grand Jury, in Wayne and/or Macomb Counties, in the Eastern District of Michigan, and elsewhere, the defendant JUANITA HICKMON, 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 federal 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 Medicare, in connection with the delivery of and payment for health care benefits, item and services.

Purpose of Scheme and Artifice

14. It was a purpose of the scheme and artifice for JUANITA HICKMON to unlawfully enrich herself through the submission of false and fraudulent Medicare claims for psychotherapy services that were not medically necessary, were not provided, or were provided by an unlicensed individual.

The Scheme and Artifice

15. JUANITA HICKMON would submit or cause the submission of false and fraudulent claims to Medicare for services that were not medically necessary, not rendered, and/or were rendered by an individual who is not licensed to perform such services, including claims for individual and group psychotherapy sessions for services that were not rendered or were performed by an individual who is not licensed to perform those services.

16. From in or around March 2015, through in or around February 2017, JUANITA HICKMON would submit or cause the submission of approximately

\$1,420,600.00 in claims to Medicare. Of that amount, Medicare paid approximately \$577,519.70.

COUNTS 2 and 3

(18 U.S.C. § 287 - Submitting False or Fraudulent Claims to the United States)

17. Paragraphs 1 through 11 of the General Allegations section of this Indictment are re-alleged and incorporated by reference as though fully set forth herein.

18. On or about November 8, 2016, at Wayne and/or Macomb County, in the Eastern District of Michigan, and elsewhere, JUANITA HICKMON and others known and unknown to the Grand Jury did make and present, and cause to be made and presented, to a person or officer in the civil, military, and naval service of the United States, and to a department and agency thereof, the following claim upon and against the United States Department of Health and Human Services, a department and agency of the United States, knowing such claim to be false, fictitious, and fraudulent:

	Beneficiary	Approximate Date of Service	Approximate Claim Date	Service	Approximate Billed Amount
Count 2	B.W.	11/8/16	11/23/16	CPT 90834 Individual Psychotherapy	\$100.00
Count 3	B.W.	11/8/16	11/23/16	CPT 90853 Group Psychotherapy	\$45.00

All in violation of Title 18, United States Code, Sections 287 and 2.

FORFEITURE ALLEGATIONS
(18 U.S.C. § 982(a)(7) - Criminal Forfeiture)

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

20. As a result of the violations alleged in Count One under Title 18, United States Code, Sections 1347 and 2, and Count Two under Title 18, United States Code, Section 287, as set forth in this Indictment, defendant JUANITA HICKMON shall forfeit to the United States pursuant to Title 18, United States Code, Section 982(a)(7), any property, real or personal, constituting, or derived from, any gross proceeds obtained, directly or indirectly, as a result of such violation, including, but not limited to:

- Approximately \$14,466.20 seized from Flagstar Bank checking account number xxxxx3606 held in the name of My Angels Workshop.

21. Substitute Assets: If the property described above as being subject to forfeiture, as a result of any act or omission of the defendant:

- Cannot be located upon the exercise of due diligence;
- Has been transferred or sold to, or deposited with, a third party;
- Has been placed beyond the jurisdiction of the Court;

- Has been substantially diminished in value; or
- Has been commingled with other property that cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) as incorporated by Title 18, United States Code, Section 982(b), to seek to forfeit any other property of defendant JUANITA HICKMON up to the value of the forfeitable property described above.

22. Money Judgment: Defendant JUANITA HICKMON shall forfeit to the United States a sum of money equal to at least \$1,420,600.00 million in United States currency, or such amount as is proved in this matter, representing the total amount of gross proceeds defendant obtained as a result of defendant's violations of Title 18, United States Code, Sections §§ 1347 and 287, as alleged in this Indictment.

THIS IS A TRUE BILL.

s/Grand Jury Foreperson
Grand Jury Foreperson

DANIEL L. LEMISCH

ACTING UNITED STATES ATTORNEY

s/Wayne F. Pratt

WAYNE F. PRATT

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Assistant United States Attorney
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s/Allan J. Medina

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s/Stephen Cincotta

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Washington, DC 20005

Date: July 6, 2017

INDICINAL

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United States District Court Eastern District of Michigan	Criminal Case Cov
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NOTE: It is the responsibility of the Assistant U.S. Attorney signing this form to complete it accurately in all respects.

Companion Case Information	Companion Case Number:
This may be a companion case based upon LCrR 57.10 (b)(4) ¹ :	Judge Assigned:
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	AUSA's Initials: <i>SS</i>

Case Title: USA v. Juanita Hickmon

County where offense occurred : Macomb County, Wayne County

Check One: Felony Misdemeanor Petty

- Indictment/___ Information --- no prior complaint.
- Indictment/___ Information --- based upon prior complaint [Case number: _____]
- Indictment/___ Information --- based upon LCrR 57.10 (d) [Complete Superseding section below].

Superseding Case Information

Superseding to Case No: _____ Judge: _____

- Corrects errors; no additional charges or defendants.
- Involves, for plea purposes, different charges or adds counts.
- Embraces same subject matter but adds the additional defendants or charges below:

<u>Defendant name</u>	<u>Charges</u>	<u>Prior Complaint (if applicable)</u>
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Please take notice that the below listed Assistant United States Attorney is the attorney of record for the above captioned case.

July 6, 2017
Date



Steven Scott, Trial Attorney
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¹ Companion cases are matters in which it appears that (1) substantially similar evidence will be offered at trial, or (2) the same or related parties are present, and the cases arise out of the same transaction or occurrence. Cases may be companion cases even though one of them may have already been terminated.