

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

**11-20590**

Case No. \_\_\_\_\_

18 U.S.C. § 371  
42 U.S.C. § 1320a-7b(b)(1)  
18 U.S.C. § 2  
18 U.S.C. § 982

**CR-MORENO**  
MAGISTRATE JUDGE  
BROWN

UNITED STATES OF AMERICA

v.

ROBERT JENKINS  
and  
NIKKI JENKINS,

Defendants.

FILED by *[Signature]* B.C.  
AUG 30 2011  
STEVEN M. LARIMORE  
CLERK U. S. DIST. CT  
S. D. of FLA. - MIAMI

**INDICTMENT**

The Grand Jury charges that:

**GENERAL ALLEGATIONS**

At all times relevant to this Indictment,

**The Medicare Program**

1. The Medicare Program ("Medicare") is a "Federal health care program," as defined by Title 42, United States Code, Section 1320a-7b(f), providing benefits to persons who were over the age of sixty-five or disabled. Medicare is 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 receive benefits under Medicare are referred to as Medicare "beneficiaries."

2. Part B of the Medicare program covers partial hospitalization programs (“PHPs”) connected with the treatment of mental illness. The treatment plan of PHPs closely resembles that of a highly structured, short-term hospital inpatient program, but it is a distinct and organized intensive treatment program that offers less than 24-hour daily care and is designed, in part, to reduce medical costs by treating qualifying individuals outside the hospital setting.

3. Under the PHP benefit, Medicare covers the following services: (1) individual and group therapy with physicians or psychologists (or other authorized mental health professionals); (2) occupational therapy; (3) services of social workers, trained psychiatric nurses, and other staff trained to work with psychiatric patients; (4) drugs and biologicals furnished for therapeutic purposes that cannot be self-administered; (5) individualized activity therapies that are not primarily recreational or diversionary; (6) family counseling (for treatment of the patient’s condition); (7) patient training and education; and (8) diagnostic services.

4. Medicare generally requires that the PHP be provided at a facility that is hospital-based or hospital-affiliated, but Medicare also allows a PHP to be provided in a Community Mental Health Center (“CMHC”), which is a provider type under Part A of Medicare.

5. Medicare requires that, to qualify for the PHP benefit, the services must be reasonable and necessary for the diagnosis and active treatment of the individual’s condition. The program also must be reasonably expected to improve or maintain the condition and functional level of the patient and to prevent relapse or hospitalization. The program must be prescribed by a physician, furnished under the general supervision of a physician, and delivered under an established plan of treatment that meets Medicare requirements.

6. Typically, a patient who needs this intensive PHP treatment has a long history of mental illness that has been treated. Patients are ordinarily referred either (a) by a hospital after full inpatient hospitalization for severe mental illness or (b) by a doctor who is trying to prevent full inpatient hospitalization for a severely mentally ill patient the doctor has been treating.

7. Medicare guidelines specifically exclude meals and transportation from coverage under the PHP benefit.

8. Medicare does not cover programs involving primarily social, recreational, or diversionary activities.

9. In order to receive payment from Medicare, a CMHC, medical clinic, or physician is required to submit a health insurance claim form to Medicare, called a Form 1450. The claims may be submitted in hard copy or electronically. A CMHC, medical clinic, and physician may contract with a billing company to transmit claims to Medicare on their behalf.

10. Medicare Part B is administered in Florida by First Coast Service Options, which, pursuant to contract with the United States Department of Health and Human Services, serves as a contracted carrier to receive, adjudicate, and pay Medicare Part B claims submitted to it by Medicare beneficiaries, physicians, or CMHCs. Medicare Part B pays CMHCs and physicians directly for the cost of PHP services furnished to eligible Medicare beneficiaries, provided that the services meet Medicare requirements.

11. An "Assisted Living Facility" or "ALF" means any facility licensed by the Florida Agency for Health Care Administration, whether operated for profit or not, which undertakes through its ownership or management to provide housing, meals, and one or more personal services

for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator.

12. A Halfway House is a facility that supports the reintegration of persons who have been recently released from prison or jail, or assists individuals who are recovering from various drug and alcohol addictions.

**Defendants, Relevant Entities, and Relevant Persons**

13. Defendant **ROBERT JENKINS**, a resident of Broward County, was a manager and operator of Life 4 Life, LLC (“Life 4 Life”).

14. Defendant **NIKKI JENKINS**, a resident of Broward County, was a manager and operator of Life 4 Life.

15. Life 4 Life, a Florida corporation, was a Halfway House located at 1612 N.W. 6th Avenue, Fort Lauderdale, Florida 33311.

16. American Therapeutic Corporation (“ATC”) was a Florida corporation originally established in 2002 and was headquartered in Miami, Florida. ATC operated several purported PHPs throughout Florida from Homestead to Orlando, including PHPs at the following addresses: 1801 N.E. 2nd Avenue, Miami, Florida 33132; 61 Grand Canal Drive, Suite #100, Miami, Florida 33144; 1001 West Commercial Blvd., Fort Lauderdale, Florida 33309; 4960 North Dixie Highway, Fort Lauderdale, Florida 33334; 27112 South Dixie Highway, Naranja, Florida 33032; 717 East Palmetto Park Road, Boca Raton, Florida 33432; and 4790 North Orange Blossom Trail, Orlando, Florida 32810.

17. Medlink Professional Management Group, Inc. (“Medlink”) was a Florida corporation established in 2003 and was headquartered at 484 Brickell Avenue, Suite 1220, Miami, Florida 33132 and later at 1809 N.E. 2nd Avenue, Miami, Florida 33132.

18. Lawrence S. Duran (“Duran”), a resident of Miami-Dade County, was the manager and owner of ATC and Medlink.

19. Marianella Valera (“Valera”), a resident of Miami-Dade County, was the owner, CEO, president, secretary, and treasurer of ATC.

20. Judith Negron (“Negron”), a resident of Miami-Dade County, was the vice president and part owner of Medlink.

21. Margarita Acevedo, a/k/a Margarita De La Cruz (“Acevedo”), a resident of Miami-Dade County, was the Marketing Director of ATC. Acevedo supervised ATC’s “marketers” who would pay and cause the payment of kickbacks to ALF and Halfway House owners and operators and patient recruiters – including **ROBERT JENKINS** and **NIKKI JENKINS** – in exchange for Medicare beneficiary “referrals” to ATC.

22. Joseph Valdes, a/k/a Joseph Valdez (“Valdes”), a resident of Broward County, was a marketer for ATC who would pay and cause the payment of kickbacks to ALF and Halfway House owners and operators and patient recruiters – including **ROBERT JENKINS** and **NIKKI JENKINS** – in exchange for Medicare beneficiary “referrals” to ATC.

**COUNT 1**  
**Conspiracy to Receive and Pay Health Care Kickbacks**  
**(18 U.S.C. § 371)**

1. Paragraphs 1 through 22 of the General Allegations section of this Indictment are realleged and incorporated by reference as though fully set forth herein.

2. From on or about May 16, 2008, through on or about October 21, 2010, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

**ROBERT JENKINS**  
**and**  
**NIKKI JENKINS,**

did willfully, that is, with the intent to further the objects of the conspiracy, and knowingly combine, conspire, confederate and agree with others, known and unknown to the Grand Jury, including Duran, Valera, Negron, Acevedo, and Valdes, to commit certain offenses against the United States, that is:

- a. To violate Title 42, United States Code, Section 1320a-7b(b)(1), by knowingly and willfully soliciting and receiving remuneration, specifically, kickbacks and bribes, directly and indirectly, overtly and covertly, in return for referring individuals to a person or persons for the furnishing and arranging for the furnishing of any item and service for which payment may be made in whole or in part under a Federal health care program, that is, Medicare; and in return for purchasing, leasing, ordering, and arranging for and recommending purchasing, leasing, and ordering any good, item, and service for which payment may be made in whole and in part under a Federal health care program, that is, Medicare; and
- b. To violate Title 42, United States Code, Section 1320a-7b(b)(2), by knowingly and willfully offering and paying remuneration, including kickbacks and bribes, directly and indirectly, overtly and covertly, to any person or persons to induce such person or persons to refer individuals to a person or persons for the furnishing and arranging for the furnishing of any item and service for which payment may be made in whole

or in part under a Federal health care program, that is, Medicare; and to purchase, lease, order, and arrange for and recommend purchasing, leasing, and ordering any good, item, and service for which payment may be made in whole and in part under a Federal health care program, that is, Medicare.

**Purpose of the Conspiracy**

3. It was a purpose of the conspiracy for **ROBERT JENKINS** and **NIKKI JENKINS** and their co-conspirators to unlawfully enrich themselves by receiving and paying kickbacks and bribes in exchange for (a) securing the attendance of Medicare beneficiaries at ATC and (b) providing Medicare beneficiary information that was used to submit claims to Medicare.

**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. Duran, Valera, Negron, Acevedo, Jimenez, Morris, and Valdes would pay and cause the payment of kickbacks to ALF and Halfway House owners and operators as well as patient recruiters, including **ROBERT JENKINS** and **NIKKI JENKINS**, in exchange for the ALFs, Halfway Houses, and patient recruiters delivering patients to ATC.

5. **ROBERT JENKINS** and **NIKKI JENKINS** would deliver and cause the delivery of Medicare beneficiaries to ATC for purported PHP treatment based solely on their eligibility to receive benefits under Medicare.

### Overt Acts

In furtherance of the conspiracy, and to accomplish its objects and purpose, at least one of the co-conspirators committed and caused to be committed in the Southern District of Florida at least one of the following overt acts, among others:

1. On or about February 24, 2009, **ROBERT JENKINS** negotiated a kickback check numbered 7091 in the approximate amount of \$2,340 written from the Medlink Wachovia Bank account ending 0305 and payable to Life 4 Life.
2. On or about June 1, 2009, **NIKKI JENKINS** submitted to ATC an invoice which contained names of beneficiaries whom **ROBERT JENKINS** and **NIKKI JENKINS** referred to ATC in exchange for kickback payments.
3. On or about June 10, 2009, **ROBERT JENKINS** negotiated a kickback check numbered 7725 in the approximate amount of \$750 written from the Medlink Wachovia Bank account ending 0305 and payable to Life 4 Life.
4. On or about July 1, 2009, **NIKKI JENKINS** submitted to ATC an invoice which contained names of beneficiaries whom **ROBERT JENKINS** and **NIKKI JENKINS** referred to ATC in exchange for kickback payments.
5. On or about July 9, 2009, **ROBERT JENKINS** negotiated a kickback check numbered 7795 in the approximate amount of \$1,440 written from the Medlink Wachovia Bank account ending 0305 and payable to Life 4 Life.

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

**COUNTS 2-4**  
**Solicitation and Receipt of Health Care Kickbacks**  
**(42 U.S.C. § 1320a-7b(b)(1))**

1. Paragraphs 1 through 22 of the General Allegations section of this Indictment are realleged and incorporated by reference as though fully set forth herein.

2. On or about the dates enumerated below, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

**ROBERT JENKINS**  
**and**  
**NIKKI JENKINS,**

did knowingly and willfully solicit and receive remuneration, that is, kickbacks and bribes, directly and indirectly, overtly and covertly, in return for referring an individual to a person for the furnishing and arranging for the furnishing of any item and service for which payment may be made in whole and in part under a Federal health care program, that is, Medicare, and in return for purchasing, leasing, and ordering, and arranging for and recommending purchasing, leasing, and ordering any good, item, and service for which payment may be made in whole and in part under a Federal health care program, that is, Medicare:

<b>Count</b>	<b>On or About Date</b>	<b>Approximate Amount of Kickback</b>
2	February 24, 2009	\$2,340.00
3	June 10, 2009	\$750.00
4	July 9, 2009	\$1,440.00

In violation of Title 42, United States Code, Section 1320a-7b(b)(1), and Title 18, United States Code, Section 2.

**CRIMINAL FORFEITURE**  
**(18 U.S.C. § 982)**

1. The allegations contained in Count 1 of this Indictment are realleged 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 defendants **ROBERT JENKINS** and **NIKKI JENKINS** have an interest.

2. Pursuant to Title 18, United States Code, Section 982(a)(7), upon conviction for the offense charged in Count 1 of this Indictment, **ROBERT JENKINS** and **NIKKI JENKINS** 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 the offense.

3. If any of the property described above, as a result of any act or omission of the defendants:

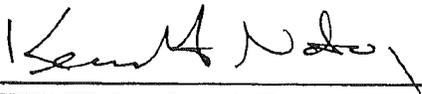
- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1).

All pursuant to Title 18, United States Code, Section 982(a)(7) and the procedures outlined in Title 21, United States Code, Section 853.

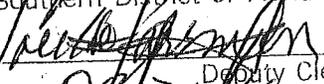
A TRUE BILL

FOREPERSON

  
\_\_\_\_\_  
WIFREDO A. FERRER  
UNITED STATES ATTORNEY  
SOUTHERN DISTRICT OF FLORIDA

  
\_\_\_\_\_  
HANK BOND WALTHER  
DEPUTY CHIEF  
CRIMINAL DIVISION, FRAUD SECTION  
U.S. DEPARTMENT OF JUSTICE

  
\_\_\_\_\_  
STEVEN KIM  
JENNIFER L. SAULINO  
TRIAL ATTORNEYS  
CRIMINAL DIVISION, FRAUD SECTION  
U.S. DEPARTMENT OF JUSTICE

Certified to be a true and correct copy of the document on file  
Steven M. Larimore, Clerk  
U.S. District Court  
Southern District of Florida  
By   
Deputy Clerk  
Date 08/31/11