

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

FILED by \_\_\_\_\_ D.C.  
APR 26 2012  
STEVEN M. LARIMORE  
CLERK U. S. DIST CT  
S. D. of FLA. - MIAMI

Case No. 12-20289 CR-COOKE  
18 U.S.C. § 1349  
18 U.S.C. § 982

MAGISTRATE JUDGE  
TURNOFF

UNITED STATES OF AMERICA

vs.

SARAH DA SILVA KELLER,

Defendant.

INFORMATION

The United States Attorney charges that:

CONSPIRACY TO COMMIT HEALTH CARE FRAUD  
(18 U.S.C. § 1349)

At all times relevant to this Information,

1. The Medicare Program (“Medicare”) was a federal health care program providing benefits to persons who were over the age of sixty-five 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.” Medicare was a “health care benefit program,” as defined by Title 18, United States Code, Section 24(b).

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

3. Under the PHP benefit, Medicare covered 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 required that the PHP be provided at a facility that is hospital-based or hospital-affiliated, but Medicare also allowed a PHP to be provided in a Community Mental Health Center ("CMHC"), which is a provider type under Part A of Medicare.

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

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

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

8. Medicare did not cover programs involving primarily social, recreational, or diversionary activities. Psychosocial programs that provided only a structured environment, socialization, or vocational rehabilitation were not covered by Medicare.

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

10. Medicare Part B was administered in Florida by First Coast Service Options, which, pursuant to contract with the United States Department of Health and Human Services, served 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 paid CMHCs and physicians directly for the cost of PHP services furnished to eligible Medicare beneficiaries, provided that the services met Medicare requirements.

11. An Assisted Living Facility (“ALF”) was a facility licensed by AHCA, whether operated for profit or not, which provided housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who were not relatives of the owner or administrator.

#### **The Defendant and Related Entities**

12. Defendant **SARAH DA SILVA KELLER**, a resident of Miami-Dade County, was an intake/discharge specialist at HCSN.

13. Health Care Solutions Network (“HCSN”) was an entity that operated purported CMHCs in Florida and North Carolina.

14. In Florida, Health Care Solutions Network, Inc. was a Florida corporation that operated purported CMHCs in Miami, Florida at the following addresses: 19355 South Dixie Highway, Miami, Florida 33157; 10406 S.W. 186th Terrace, Miami, Florida 33157; and 13155 S.W. 134th Street, Miami, Florida 33186.

### **The Conspiracy**

15. From on or about April 24, 2006, through on or about February 1, 2008, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

### **SARAH DA SILVA KELLER,**

did knowingly and willfully combine, conspire, confederate and agree with others, known and unknown to the United States Attorney, to violate Title 18, United States Code, Section 1347, that is, 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, 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.

### **PURPOSE OF THE CONSPIRACY**

16. It was a purpose and object of the conspiracy for **SARAH DA SILVA KELLER**, and her co-conspirators, to unlawfully enrich themselves by, among other things; (a) submitting false and fraudulent claims to Medicare through HCSN for services that were medically unnecessary, that were not eligible for Medicare reimbursement, and that were never provided; (b) concealing the submission of false and fraudulent claims to Medicare and the receipt and transfer of the proceeds from the fraud; and (c) diverting proceeds of the fraud for the personal

use and benefit of the defendant and her co-conspirators in the form of compensation and other remuneration.

### MANNER AND MEANS

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

17. Co-Conspirator-1 ("CC-1") would form HCSN as a non-profit organization registered in the State of Florida through which he operated two purported CMHCs in Miami.

18. CC-1 would maintain Medicare and Medicaid provider numbers for all of HCSN's locations in order to submit claims to Medicare and Medicaid for PHP services.

19. CC-1 would pay and cause the payment of cash kickbacks to ALF owners and operators in exchange for the ALFs delivering and causing the delivery of ineligible patients housed at their facilities to HCSN for purported PHP treatment.

20. CC-1 and other co-conspirators would recruit and cause the recruitment of patients from ALF and nursing home owners and operators to receive purported PHP treatment at HCSN-NC.

21. **SARAH DA SILVA KELLER**, CC-1, and other co-conspirators altered and caused the alteration of HCSN records to support claims for PHP services that were medically unnecessary and never provided.

22. CC-1 and other co-conspirators would submit and cause to be submitted claims to Medicare and Medicaid for PHP services when patients were actually watching television and movies.

23. CC-1 and other co-conspirators would cause the transfer and disbursement of illicit proceeds derived from the fraudulent billing scheme to themselves and others.

24. SARAH DA SILVA KELLER, CC-1, and other co-conspirators would submit and cause to be submitted claims to Medicare and Medicaid for services purportedly provided at HCSN's locations in an amount exceeding \$63 million.

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

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

1. The allegations contained in this Information 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 SARAH DA SILVA KELLER has an interest.

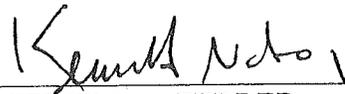
2. Upon conviction of the offense charged in this Information, the defendant shall forfeit to the United States any property, real or personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of the offense pursuant to Title 18, United States Code, Section 982(a)(7).

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

- 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.



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WIFREDO A. FERRER  
UNITED STATES ATTORNEY  
SOUTHERN DISTRICT OF FLORIDA



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