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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

June 2012 Grand Jury

UNITED STATES OF AMERICA,)	CR No. 12- <u>CR12-0962</u>
)	
Plaintiff,)	<u>I N D I C T M E N T</u>
)	
v.)	[42 U.S.C. § 1320a-7b(b) (1) (A):
)	Receipt of Kickbacks for Patient
VIVIAN NERI,)	Referrals; 18 U.S.C. § 2: Causing
)	an Act to be Done]
Defendant.)	
)	
)	
)	
)	

The Grand Jury charges:

COUNTS ONE THROUGH FIVE

[42 U.S.C. § 1320a-7b(b) (1) (A); 18 U.S.C. § 2]

A. INTRODUCTORY ALLEGATIONS

At all times relevant to this indictment:

1. Defendant VIVIAN NERI ("NERI") worked as a patient recruiter, also referred to as a "marketer" or "capper."
2. Cooperating Witness ("C.W.") owned and operated a home health agency located in the Central District of California.
3. Defendant NERI controlled a bank account at Bank of

1 America ending in 593 ("the Bank of America Account").

2 4. Medicare was a federal health care benefit program,
3 affecting commerce, that provided benefits to individuals who
4 were over the age of 65 or disabled.

5 5. Individuals who qualified for Medicare benefits were
6 commonly referred to as "beneficiaries."

7 6. Medicare paid for certain home health services for
8 beneficiaries, including skilled nursing services, physical
9 therapy, and occupational therapy.

10 7. Medicare reimbursed home health agencies for covered
11 treatment and services rendered to Medicare beneficiaries.

12 8. Medicare paid for such services only if, among other
13 things, they were prescribed or ordered by a physician.

14 B. DEFENDANT NERI'S SOLICITATION AND RECEIPT OF KICKBACK
15 PAYMENTS

16 9. Beginning in or about September 2009, defendant NERI
17 contacted C.W. and offered to provide C.W. with patient referrals
18 in exchange for kickback payments.

19 10. Defendant NERI charged a different amount for the
20 referral depending on the type of service to be provided and the
21 amount Medicare would reimburse for these services.

22 11. Thereafter, defendant NERI accepted payment for the
23 referral of home health patients in cash, check, or direct
24 deposit into the Bank of America Account.

25 12. Defendant NERI solicited and accepted payments from
26 C.W. for the referral of home health patients knowing that it was
27 unlawful to do so and that payment for home health services would
28 be made in whole and in part by Medicare, a federal health care

1 program.

2 C. SPECIFIC KICKBACK PAYMENTS

3 13. On or about the following dates, in Los Angeles County,
4 within the Central District of California, and elsewhere,
5 defendant NERI, knowingly and willfully, and with knowledge that
6 it was unlawful to do so, solicited and received remuneration, in
7 or about the amounts set forth below, from C.W. in return for
8 referring individuals to C.W.'s home health company for home
9 health care services for which payment would be made in whole or
10 in part under a Federal health care program, namely Medicare.

<u>COUNT</u>	<u>DATE</u>	<u>TYPE OF REMUNERATION</u>	<u>AMOUNT</u>
ONE	12/16/2009	Check payable to defendant NERI	\$700
TWO	02/09/2010	Cash	\$1,400
THREE	02/18/2010	ATM cash deposit into the Bank of America Account	\$2,200

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<u>COUNT</u>	<u>DATE</u>	<u>TYPE OF REMUNERATION</u>	<u>AMOUNT</u>
FOUR	04/8/2010	ATM cash deposit into the Bank of America Account	\$1,900
FIVE	04/27/2010	Cash	\$2,800

A TRUE BILL

Foreperson

/s/

ANDRÉ BIROTTE JR.
United States Attorney

R. E. Dugdale

ROBERT E. DUGDALE
Assistant United States Attorney
Chief, Criminal Division

RICHARD ROBINSON
Assistant United States Attorney
Chief, Major Frauds Section

CONSUELO S. WOODHEAD
Assistant United States Attorney
Deputy Chief, Major Frauds Section

GRANT B. GELBERG
Special Assistant United States Attorney
Major Frauds Section