

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

v.

D-1 SALMAN ALI
D-2 ROOHI ALI

Defendants.

Case:2:13-cr-20365
Judge: Steeh, George Caram
MJ: Randon, Mark A.
Filed: 05-14-2013 At 09:08 AM
INFO USA V SALMAN ALI, ET AL (LG)

INFORMATION

THE UNITED STATES OF AMERICA CHARGES:

General Allegations

At all times relevant to this Information:

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 A covered physical therapy, occupational therapy, and skilled nursing services if a facility was certified by CMS as meeting certain requirements. Part B of the Medicare Program covered the cost of physicians' services

and other ancillary services not covered by Part A. The physical therapy and other services at issue in this Information were covered by Part A and Part B.

4. National Government Services was the CMS intermediary for Medicare Part A in the state of Michigan. TrustSolutions LLC was the Program Safeguard Contractor for Medicare Part A and Part B in the state of Michigan until April 24, 2012, when it was replaced by Cahaba Safeguard Administrators LLC.

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. In order 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-92) containing the required information appropriately identifying the provider, patient, and services rendered.

9. A home health agency was an entity that provided health services, including but not limited to skilled nursing, physical therapy, occupational therapy, and speech pathology services to homebound patients.

10. Abacus Home Health Care, Inc. ("Abacus"), was a Michigan corporation, doing business at 19111 W. 10 Mile Road, Southfield, Michigan. In or around June 2012, the primary business location of Abacus changed to 23900 Orchard Lake Road, Farmington Hills, Michigan.

11. Orchard Home Health Care, Inc. ("Orchard"), was a Michigan corporation, doing business at 11 W. 14 Mile Road, Clawson, Michigan. In or around March 2012, the primary business location of Orchard changed to 23900 Orchard Lake Road, Farmington Hills, Michigan.

12. Universal Homecare, Inc. ("Universal"), was a Michigan corporation, doing business at 19111 W. 10 Mile Road, Southfield, Michigan. In or around December 2008, the primary business location of Universal changed to 23900 Orchard Lake Road, Suite 280, Farmington Hills, Michigan.

13. Abacus, Orchard, and Universal were home health agencies that purportedly provided in-home physical therapy, occupational therapy, speech pathology, and/or skilled nursing services to patients. Abacus, Orchard, and Universal were Medicare providers and submitted claims directly to Medicare.

14. SALMAN ALI, a resident of Oakland County, Michigan, was a licensed physical therapist and an owner and controller of Abacus and Universal and a controller of Orchard.

15. ROOHI ALI, a resident of Oakland County, Michigan, was a licensed physical therapist and an owner and controller of Abacus and Orchard and a controller of Universal.

COUNT 1
(18 U.S.C. § 1349—Health Care Fraud Conspiracy)

16. Paragraphs 1 through 14 of the General Allegations section of this Information are realleged and incorporated as though fully set forth herein.

17. From in or around October 2005, and continuing through in or around March 2013, the exact dates being unknown to the United States, in Wayne County, in the Eastern District of Michigan, and elsewhere, the defendants, SALMAN ALI and ROOHI ALI, and others did willfully and knowingly combine, conspire, confederate, and agree with others, known and unknown to the United States, 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, 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

18. It was a purpose of the conspiracy for defendants, SALMAN ALI and ROOHI ALI, and others to unlawfully enrich themselves by, among other things: (a) submitting false and fraudulent claims to Medicare; (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 defendants and their co-conspirators.

Manner and Means

19. The manner and means by which the defendants and their co-conspirators sought to accomplish the purpose of the conspiracy included, among others, the following:

20. SALMAN ALI and ROOHI ALI would maintain valid Medicare provider numbers for Abacus, Orchard, and Universal to submit Medicare claims for the cost of physical therapy and other services that were medically unnecessary and were not provided.

21. SALMAN ALI and ROOHI ALI would control the day-to-day operations of Abacus, Orchard, and Universal.

22. Abacus, Orchard, and Universal would submit claims to Medicare seeking reimbursement for the cost of physical therapy and other services purportedly provided by SALMAN ALI, ROOHI ALI, and others that were medically unnecessary and not provided.

23. SALMAN ALI and ROOHI ALI would cause Abacus, Orchard, and Universal to submit claims to and receive from Medicare approximately \$15.1 million for the cost of physical therapy and other services.

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

FORFEITURE ALLEGATIONS

(18 U.S.C § 981(a)(1)(C), 28 U.S.C. § 2461, and 18 U.S.C. § 982(a)(7))

24. The above allegations contained in this Information 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, Sections 981 and 982, and Title 28 United States Code, Section 2461.

25. As a result of the violation of Title 18, United States Code, Section 1349, as set forth in this Information, defendants SALMAN ALI and ROOHI ALI shall forfeit to the United States pursuant to Title 18, United States Code Section 982(a)(7), and Title 18, United States

Codes, Section 981(a)(1)(C), as incorporated by Title 28, United States Code, Section 2461, all property, real and personal, which constitutes or is derived from gross proceeds traceable to the offense.

26. Substitute Assets: Pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b), the defendants SALMAN ALI and ROOHI ALI shall forfeit substitute property, if by any act or omission of the defendants, property subject to forfeiture: (a) cannot be located upon the exercise of due diligence; (b) has been transferred, 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.

All in accordance with Title 18, United States Codes, Sections 981(a)(1)(C) and 982(a)(7), Title 28, United States Codes, Section 2461, Title 21, United States Codes, Section 853, and Rule 32.2, Federal Rules of Criminal Procedure.

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Dated: May 14, 2013