

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

UNITED STATES OF AMERICA

v.

BOBBI GIBSON

CASE NO. **8:16-cr-396-T-35-JSS**

18 U.S.C. § 1343

18 U.S.C. § 981(a)(2)(A) (forfeiture)

18 U.S.C. § 982(a)(7) (forfeiture)

28 U.S.C. § 2461(c) (forfeiture)

**INDICTMENT**

The Grand Jury charges:

**COUNT ONE**

**A. Introduction**

At times material to this Indictment:

1. The Department of Defense was a Department of the Executive Branch of the Government of the United States. The Defense Health Agency (DHA), formerly known as the TRICARE Management Activity (TMA), was an agency within the Department of Defense, responsible for, among other things, administering the TRICARE program, formerly known as CHAMPUS, a federal health entitlement program.

2. TRICARE was a triple option benefit plan established by Congress and funded through federal appropriations and allocated as part of the National Defense Appropriation Acts. Eligible beneficiaries included all seven branches

of the Uniformed Services: Army, Air Force, Navy, Marine Corps, National Oceanic Atmospheric Administration, Coast Guard, and the commissioned corps of the Public Health Service, their retirees, and dependent family members. TRICARE benefits were authorized by congressional legislation incorporated in Title 10, United States Code, and implemented by the Secretary of Defense and the Secretary of Health and Human Services in Title 32, Code of Federal Regulations, Part 199 (32 CFR 199).

3. Humana Military Healthcare Services (hereinafter "Humana Military") was the contractor for the government administering the TRICARE program in the South Region. Humana Military assisted DHA in operating an integrated health care delivery system combining resources of the contractor and the military's direct medical care system to provide health, medical and administrative support services to eligible beneficiaries. Humana Military subcontracted claims administration duties to Palmetto GBA.

4. The Enhanced Access to Autism Services Demonstration (hereinafter "Demonstration program") was a TRICARE program which allowed paraprofessional providers (hereinafter "tutors") to provide one-on-one autism services to military family members diagnosed with Autism Spectrum Disorders. TRICARE mandated that prior to providing these services the tutor must have, among other things, completed 40 hours of classroom training in Applied Behavior Analysis therapy techniques. TRICARE would not reimburse for tutor

services rendered until the tutor had received the requisite 40 hours of classroom training.

5. Agency for Behavioral Services, Inc. (hereinafter "ABS") was a Florida corporation engaged in the business of providing Applied Behavioral Analysis services. Defendant Bobbi Gibson owned and operated ABS.

6. On or about March 5, 2009, ABS was authorized to participate in the Demonstration program.

**B. The Scheme and Artifice**

7. Beginning in or around June 2009, and continuing through in or around August 2013, in the Middle District of Florida, the defendant,

BOBBI GIBSON,

did knowingly and willfully devise and intend to devise a scheme and artifice to defraud and to obtain money and property from the Department of Defense through the TRICARE program, by means of materially false and fraudulent pretenses, representations and promises.

**C. Manner and Means**

8. The manner and means by which the defendant sought to accomplish the objects of the scheme and artifice included, among others:

a) It was part of the scheme and artifice that the defendant would and did hire tutors for ABS who lacked the required 40 hours of classroom training on Applied Behavioral Analysis techniques.

b) It was further a part of the scheme and artifice that the defendant would and did submit and cause to be submitted to Humana Military, documents falsely and fraudulently certifying that the aforementioned tutors had received the required 40 hours of classroom training and that such training had been presented by ABS.

c) It was further a part of the scheme and artifice that the defendant would and did assign the aforementioned unqualified tutors to meet with and provide autism therapy services to military family members diagnosed with Autistic Spectrum Disorders.

d) It was further a part of the scheme and artifice that the defendant would and did fraudulently cause to be submitted to Palmetto GBA, claims for reimbursement for the services provided by the unqualified tutors.

e) It was further a part of the scheme and artifice that the defendant would and did perform acts and make statements to hide and conceal and cause to be hidden and concealed, the purpose of the scheme and artifice.

#### **D. Execution of the Scheme**

9. On or about the dates listed below, for the purpose of executing the aforementioned scheme and artifice, the defendant,

**BOBBI GIBSON,**

knowingly and willfully transmitted and caused to be transmitted in interstate commerce by wire, certain writings, signs, signals, pictures and sounds, that is, electronically-transmitted fraudulent claims for TRICARE reimbursement for tutor

services, from Homosassa, Florida, to Florence, South Carolina, as more fully described below.

<b>COUNTS</b>	<b>DATE CLAIM TRANSMITTED</b>	<b>TUTORS</b>
ONE	9/11/2011	Katie McCoy
TWO	9/21/2011	Katie McCoy and Quiana Barrett
THREE	10/6/2011	Katie McCoy and Derek Hendley
FOUR	10/12/2011	Allen Davis
FIVE	10/17/2011	Allen Davis
SIX	10/25/2011	Derek Hendley and Quiana Barrett
SEVEN	11/15/2011	Quiana Barrett
EIGHT	12/21/2011	Bonnie Watson
NINE	12/27/2011	Quiana Barrett
TEN	12/27/2011	Quiana Barrett
ELEVEN	1/3/2012	Allen Davis
TWELVE	1/11/2012	Katie McCoy
THIRTEEN	1/17/2012	Allen Davis
FOURTEEN	2/21/2012	Katie McCoy
FIFTEEN	4/11/2012	Bonnie Watson

<b>COUNTS</b>	<b>DATE CLAIM TRANSMITTED</b>	<b>TUTORS</b>
SIXTEEN	4/30/2012	Ashley Hollingsworth
SEVENTEEN	5/1/2012	Katie McCoy
EIGHTEEN	6/8/2012	Derek Hendley
NINETEEN	6/15/2012	Katie McCoy
TWENTY	6/26/2012	Katie McCoy
TWENTY-ONE	7/13/2012	Ashley Hollingsworth
TWENTY-TWO	8/24/2012	Derek Hendley
TWENTY-THREE	9/25/2012	Ashley Hollingsworth
TWENTY-FOUR	12/11/2012	Derek Hendley
TWENTY-FIVE	12/27/2012	Allen Davis
TWENTY-SIX	2/11/2013	Ashley Hollingsworth
TWENTY-SEVEN	4/22/2013	Ashley Hollingsworth
TWENTY-EIGHT	5/15/2013	Allen Davis
TWENTY-NINE	7/26/2013	Allen Davis
THIRTY	7/26/2013	Derek Hendley

All in violation of Title 18, United States Code, Sections 1343 and 2.

**FORFEITURES**

1. The allegations contained in Counts One through Thirty of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to the provisions of Title 18, United States Code, Sections 981(a)(2)(A), 982(a)(7) and Title 28, United States Code, Section 2461(c).

2. Upon conviction of the violations alleged in Counts One through Thirty of this Indictment, the defendant,

**BOBBI GIBSON,**

shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 981(a)(2)(A) and Title 28, United States Code, Section 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the violations, and pursuant to Title 18, United States Code, Section 982(a)(7), the gross proceeds traceable to the commission of the offenses.

3. The property to be forfeited includes, but is not limited to, a forfeiture money judgment of at least \$1,500,000, representing the proceeds of the offenses.

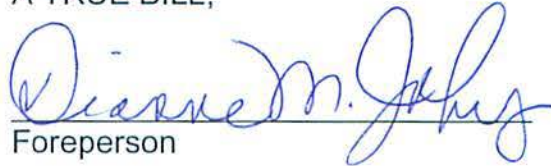
4. If any of the property described in paragraph 3, as a result of any act or omission of the defendant:

- 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 under the provisions of Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

A TRUE BILL,


  
Foreperson

A. LEE BENTLEY, III  
United States Attorney

By:

  
Robert A. Mosakowski  
Assistant United States Attorney

By:

  
Rachelle DesVaux Bedke  
Assistant United States Attorney  
Chief, Criminal Division (South)

No.

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**UNITED STATES DISTRICT COURT**

Middle District of Florida

Tampa Division

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THE UNITED STATES OF AMERICA

vs.

BOBBI GIBSON

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**INDICTMENT**

Violations:

18 U.S.C. § 1343

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A true bill,

  
Foreperson

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Filed in open court this 8<sup>th</sup> day

of September 2016.

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Clerk

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Bail \$ \_\_\_\_\_

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