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HOUSTON • TEXAS • 2009

Case Summaries

Indictments Unsealed on July 29, 2009

Below is a summary of the charges pending against 32 individuals who have been indicted by a federal grand jury in Houston for alleged health care fraud-related crimes. The maximum prison sentence for each charged offense is ten years in prison.

The individuals include: (1) Sunny Robinson; (2) Manuel DeLuna; (3) Lisa Jones; (4) Shirley Chavis; (5) Ezechukwu J. Ohaka; (6) Helen Etinfoh; (7) Adebola Adebayo; (8) Paula Whitfield; (9) Doris Ngozi Vinitiski; (10) Howard Grant, M.D.; (11) John Lachman; (12) Yolanda Del Rio; (13) John Nasky Okonkwo; (14) Michael Obasi; (15) Darnell Willis; (16) Clinton Lee; (17) Obisike Nwankwo; (18) Ju-Ying Qian; (19) Vicki Phillips; (20) Basil Kalu; (21) George Ogunnaiké; (22) Clifford Ubani; (23) Princewill Njoku; (24) Mary Ellis; (25) Rolande Mitchell Straughter; (26) Oliver Nkuku; (27) Kate Nkuku; (28) Callistus Edozie; (29) Obiske Okereke; (30) Noel Jhagroo; (31) Kate Ose Olear and (32) John Edward Perry III, M.D.

An indictment is merely an allegation and defendants are presumed innocent until and unless proven guilty.

Memorial Medical Supply (Memorial); Houston

Sunny Robinson, 39, was indicted for allegedly conspiring from March 2005 to January 2009 to submit approximately \$4.3 million in false claims to Medicare for durable medical equipment (DME), including orthotic devices termed “arthritis kits.” The indictment alleges that Robinson was an owner and operator of Memorial. It also alleges that the DME was purportedly provided to Medicare beneficiaries who did not need or use the equipment. The indictment alleges that on 34 occasions Robinson billed Medicare for DME purportedly provided to deceased beneficiaries. Robinson was charged with one count of conspiracy to commit health care fraud, fourteen counts of health care fraud, and was provided notice of criminal forfeiture.

Manuel DeLuna, 48, was indicted for allegedly conspiring from March 2005 to January 2009, to submit approximately \$4.3 million in false claims to Medicare for DME, including orthotic devices termed “arthritis kits.” The indictment alleges that DeLuna was an employee of Memorial. It further alleges DeLuna received kickbacks for providing Medicare beneficiary information, including names, addresses and Medicare numbers to co-conspirators for the purpose of submitting false claims to Medicare. DeLuna was charged with one count of conspiracy to commit health care fraud, and fourteen counts of health care fraud, and was provided notice of criminal forfeiture.

Lisa Jones, 46, was indicted for allegedly conspiring to submit approximately \$4.3 million in false claims to Medicare for durable medical equipment from March 2005 to January 2009. The indictment alleges that Jones received kickbacks for providing Medicare beneficiary information, including names, addresses and Medicare numbers to co-conspirators who then submitted false claims to Medicare on behalf of Memorial. Jones was charged with one count of conspiracy to commit health care fraud, and was provided notice of criminal forfeiture.

Shirley Chavis, 42, was indicted for allegedly conspiring to submit approximately \$4.3 million in false claims to Medicare for durable medical equipment from March 2005 to January 2009. The indictment alleges that Chavis received kickbacks for providing Medicare beneficiary information, including names, addresses and Medicare numbers to co-conspirators who then submitted false claims to Medicare on behalf of Memorial. Chavis was charged with one count of conspiracy to commit health care fraud, and was provided notice of criminal forfeiture.

Luant & Odera Inc., Houston

Ezechukwu J. Ohaka, 40, was indicted for allegedly conspiring from March 2007 to March 2009 to submit approximately \$3.9 million in false claims to Medicare for DME, including power wheelchairs, wheelchair accessories and motorized scooters. The indictment alleges that Ohaka was an owner and operator of Luant & Odera that did business as Tonni Medical Equipment and Supplies (Tonni Medical). At Tonni Medical, Ohaka is alleged to have billed Medicare for power wheelchairs and wheelchair accessories for beneficiaries who did not need them. The indictment also alleges that Ohaka paid kickbacks to co-conspirators as payment for Medicare beneficiary billing information. Ohaka was charged with one count of conspiracy to commit health care fraud, three counts of health care fraud, and was provided notice of criminal forfeiture.

Helen Etinfoh, 49, was indicted for allegedly conspiring from March 2007 to March 2009 to submit approximately \$3.9 million in false claims to Medicare for DME, including power wheelchairs, wheelchair accessories and motorized scooters. The indictment alleges that Etinfoh is an owner and operator of Tonni Medical. At Tonni Medical, Etinfoh is alleged to have billed Medicare for power wheelchairs and wheelchair accessories for beneficiaries who did not need them. The indictment also alleges that Etinfoh paid kickbacks to co-conspirators as payment for Medicare beneficiary billing information. Etinfoh was charged with one count of conspiracy to commit health care fraud, four counts of health care fraud, and was provided notice of criminal forfeiture.

Adebola Adebayo, 58, was indicted for allegedly conspiring from March 2007 to March 2009 to submit approximately \$3.9 million in false claims to Medicare for DME, including power wheelchairs, wheelchair accessories and motorized scooters. The indictment alleges that Adebayo was an owner and operator of Tonni Medical. At Tonni Medical, Adebayo is alleged to have billed Medicare for power wheelchairs and

wheelchair accessories for beneficiaries who did not need them. The indictment also alleged Adebayo paid kickbacks to co-conspirators as payment for Medicare beneficiary billing information. Adebayo was charged with one count of conspiracy to commit health care fraud, three counts of health care fraud, and was provided notice of criminal forfeiture.

Paula Whitfield, 42, was indicted for allegedly conspiring to submit approximately \$3.9 million in false claims to Medicare for DME from March 2007 to March 2009. The indictment alleges that Whitfield received kickbacks for providing Medicare beneficiary information, including names, addresses and Medicare numbers to co-conspirators who then submitted false claims to Medicare through Tonni Medical. Whitfield was charged with one count of conspiracy to commit health care fraud and was provided notice of criminal forfeiture.

Onward Group Healthcare Inc. (Onward); Richmond, Texas

Doris Ngozi Vinitiski, 45, was indicted for allegedly conspiring from October 2003 to March 2009 to submit approximately \$2.2 million in false claims to Medicare for DME, including orthotic devices and power wheelchairs. The indictment alleges Vinitiski was an owner and operator of Onward. It further alleges that Vinitiski knew the DME purportedly provided by Onward was not medically necessary, and that in certain cases it was not provided. Vinitiski is charged with one count of conspiracy to commit health care fraud, four counts of health care fraud, and was provided notice of criminal forfeiture.

Howard Grant, M.D., 59, was indicted for allegedly conspiring from October 2003 to March 2009 to submit approximately \$2.2 million in false claims to Medicare for DME, including orthotic devices and power wheelchairs. Grant is a physician licensed by the State of Texas who signed prescriptions ordering medically unnecessary DME, including power wheelchairs and orthotics, which served as the basis of Onward's fraudulent claims to Medicare. The indictment alleges the DME was not medically necessary, and that in certain cases it was not provided. Grant was charged with one count of conspiracy to commit health care fraud, two counts of health care fraud, and was provided notice of criminal forfeiture.

John Lachman, 43, was indicted for allegedly conspiring from October 2003 to March 2009 to submit approximately \$2.2 million in false claims to Medicare for DME, including orthotic devices and power wheelchairs. The indictment alleges Lachman controlled the day-to-day operations of Onward, a company that allegedly submitted false claims to Medicare for DME equipment, including power wheelchairs and orthotics. Lachman is charged with one count of conspiracy to commit health care fraud, and was provided notice of criminal forfeiture.

Yolanda Delrio, 59, was indicted for allegedly conspiring from October 2003 to March 2009 to submit approximately \$2.2 million in false claims to Medicare for DME, including orthotic devices and power wheelchairs. The indictment alleges Delrio assisted with the day-to-day operations of Onward. Delrio's primary role in the alleged conspiracy was to do Onward's billing, and submit the claims for medically unnecessary DME to Medicare on behalf of Onward. Delrio is charged with one count of conspiracy to commit health care fraud, and was provided notice of criminal forfeiture.

John Nasky Okonkwo, 49, was indicted for allegedly conspiring from October 2003 to March 2009 to submit approximately \$2.2 million in false claims to Medicare for DME, including orthotic devices and power wheelchairs. The indictment alleges that Okonkwo worked for Onward as a patient recruiter and biller and that he provided the names and billing information of Medicare and Medicaid beneficiaries to Onward. The indictment also alleges Okonkwo was paid kickbacks by the owners and operators of Onward for his services. Okonkwo was charged with one count of conspiracy to commit health care fraud, four counts of health care fraud, and was provided notice of criminal forfeiture.

Michael Obasi, 34, was indicted for allegedly conspiring from October 2003 to March 2009 to submit approximately \$2.2 million in false claims to Medicare for DME, including orthotic devices and power wheelchairs. The indictment alleges that Obasi worked for Onward as a patient recruiter. Obasi is alleged to have provided beneficiary names and billing information to Onward, so that Medicare and Medicaid could be billed by Onward for medically unnecessary DME. The indictment alleges Obasi was paid kickbacks by the owners and operators of Onward for his services. Obasi was charged with one count of conspiracy to commit health care fraud and was provided notice of criminal forfeiture.

Darnell Willis, 49, was indicted for allegedly conspiring from October 2003 to March 2009 to submit approximately \$2.2 million in false claims to Medicare for DME, including orthotic devices and power wheelchairs. The indictment alleges that Willis worked for Onward as a patient recruiter. Willis is alleged to have provided beneficiary names and billing information to Onward, so that Medicare and Medicaid could be billed by Onward for medically unnecessary DME. The indictment alleges Willis was paid kickbacks by the owners and operators of Onward for her services. Willis is charged with one count of conspiracy to commit health care fraud and was provided notice of criminal forfeiture.

Clinton Lee, 49, was indicted for allegedly conspiring from October 2003 to March 2009 to submit approximately \$2.2 million in false claims to Medicare for DME, including orthotic devices and power wheelchairs. The indictment alleges that Lee worked for Onward as a delivery driver, and that he delivered medically unnecessary DME. Lee is charged with one count of conspiracy to commit health care fraud and was provided notice of criminal forfeiture.

Obisike Nwankwo, 33, was indicted for allegedly conspiring from October 2003 to March 2009 to submit approximately \$2.2 million in false claims to Medicare for DME, including orthotic devices and power wheelchairs. The indictment alleges that Nwankwo worked for Onward as a delivery driver and that he delivered medically unnecessary DME. Nwankwo is charged with one count of conspiracy to commit health care fraud, and was provided notice of criminal forfeiture.

Ju-Ying Qian, 60, was indicted for allegedly conspiring from October 2003 to March 2009 to submit approximately \$2.2 million in false claims to Medicare for DME, including orthotic devices and power wheelchairs. The indictment alleges that Qian worked for Onward as a patient recruiter. Qian is alleged to have provided beneficiary names and billing information to Onward, so that Medicare and Medicaid could be billed by Onward for medically unnecessary DME. The indictment alleges Qian was paid kickbacks by the owners and operators of Onward for her services. Qian is charged with

one count of conspiracy to commit health care fraud, and was provided notice of criminal forfeiture.

Vicki Phillips, 52, was indicted for allegedly conspiring from October 2003 to March 2009 to submit approximately \$2.2 million in false claims to Medicare for DME, including orthotic devices and power wheelchairs. The indictment alleges that Phillips worked for Onward as a patient recruiter. Phillips is alleged to have provided beneficiary names and billing information to Onward, so that Medicare and Medicaid could be billed by Onward for medically unnecessary DME. The indictment alleges Phillips was paid kickbacks by the owners and operators of Onward. Phillips is charged with one count of conspiracy to commit health care fraud, and was provided notice of criminal forfeiture.

Basil Kalu, 40, was indicted for allegedly conspiring from October 2003 to March 2009 to submit approximately \$2.2 million in false claims to Medicare for DME, including orthotic devices and power wheelchairs. The indictment alleges that Kalu worked as an office employee at Onward and assisted in the day-to-day operations of the company. Kalu is charged with one count of conspiracy to commit health care fraud, and was provided notice of criminal forfeiture.

George Ogunnaike, 44, was indicted for allegedly conspiring from October 2003 to March 2009 to submit approximately \$2.2 million in false claims to Medicare for DME, including orthotic devices and power wheelchairs. The indictment alleges that Ogunnaike was employed by Onward as a delivery driver and that he delivered medically unnecessary DME. Ogunnaike is charged with one count of conspiracy to commit health care fraud, four counts of health care fraud, and was provided notice of criminal forfeiture.

Family Healthcare Group Inc. (Family Healthcare); Houston

Clifford Ubani, 51, was indicted for allegedly conspiring to submit more than \$1.1 million in false claims from October 2007 to March 2009 to Medicare for DME, including orthotic devices termed "arthritis kits." The indictment alleges that Ubani was an owner and operator of Family Healthcare and that the company was billing Medicare for DME that Medicare beneficiaries did not need or use, and in some instances did not receive. Ubani was charged with one count of conspiracy to commit health care fraud, six counts of health care fraud, and was provided notice of criminal forfeiture.

Princewill Njoku, 50, was indicted for allegedly conspiring to submit more than \$1.1 million in false claims from October 2007 to March 2009 to Medicare for DME, including orthotic devices termed "arthritis kits." The indictment alleges that Njoku was an owner and operator of Family Healthcare and that the company was billing Medicare for DME that Medicare beneficiaries did not need or use, and in some instances did not receive. Njoku was charged with one count of conspiracy to commit health care fraud, six counts of health care fraud, and was provided notice of criminal forfeiture.

Mary Ellis, 53, was indicted for allegedly conspiring to submit more than \$1.1 million in false claims from October 2007 to March 2009 to Medicare for DME, including orthotic devices termed "arthritis kits." The indictment alleges that Ellis was a licensed vocational nurse by the State of Texas who allegedly referred beneficiaries to Family Healthcare so that claims could be filed with Medicare for DME the beneficiaries did not need, use, or in some instances, even receive. It alleges Ellis was paid a kickback by the

owners of Family Healthcare for each Medicare beneficiary she referred. Ellis was charged with one count of conspiracy to commit health care fraud and was provided notice of criminal forfeiture.

Rolande Mitchell-Straughter, 42, was indicted for allegedly conspiring to submit more than \$1.1 million in false claims from October 2007 to March 2009 to Medicare for DME, including orthotic devices termed "arthritis kits." The indictment alleges that Mitchell-Straughter referred Medicare beneficiaries to Family Healthcare so that claims could be filed with Medicare for DME that the beneficiaries did not need, use, or in some instances, even receive. It further alleges Mitchell-Straughter was paid a kickback by the owners of Family Healthcare for each Medicare beneficiary she referred. Mitchell-Straughter was charged with one count of conspiracy to commit health care fraud and was provided notice of criminal forfeiture.

KO Medical Inc. (KO); Richmond, Texas

Oliver Nkuku, 44, was indicted in two separate cases. First, Nkuku was indicted for allegedly conspiring from December 2007 to the date of the indictment, to submit approximately \$931,000 in false claims to Medicare for DME, including power wheelchairs, wheelchair accessories and motorized scooters. The indictment alleges that Nkuku is an owner and operator of KO. At KO, Nkuku is alleged to have billed Medicare for DME that was medically unnecessary, and that in certain cases, was not delivered. The indictment alleges that Nkuku would improperly use various billing code modifiers in connection with KO's submission of claims. This allowed Nkuku to conceal the fact that KO was providing DME without a proper prescription from a licensed physician as is required by Medicare. With regard to KO, Nkuku was charged with one count of conspiracy to commit health care fraud, three counts of health care fraud, and was provided notice of criminal forfeiture. In the second case, Nkuku was indicted for allegedly conspiring from October 2003 to March 2009 to submit approximately \$2.2 million in false claims to Medicare for DME, including orthotic devices and wheelchairs. That indictment alleges that Nkuku worked for Onward and delivered medically unnecessary DME. In the second indictment, Nkuku is charged with one count of conspiracy to commit health care fraud, and was provided notice of criminal forfeiture.

Kate Nkuku, 45, was indicted for allegedly conspiring from December 2007 to the date of the indictment to submit approximately \$931,000 in false claims to Medicare for DME, including power wheelchairs, wheelchair accessories and motorized scooters. The indictment alleges that Kate Nkuku is an owner and operator of KO. At KO, Kate Nkuku is alleged to have billed Medicare for DME that was medically unnecessary, and that in certain cases, was not delivered. The indictment alleges that Kate Nkuku would improperly use various billing code modifiers in connection with KO's submission of claims that allowed her to conceal the fact that KO was providing DME without a proper prescription from a licensed physician as is required by Medicare. Kate Nkuku was charged with one count of conspiracy to commit health care fraud, three counts of health care fraud, and was provided notice of criminal forfeiture.

Callistus Edozie, 38, was indicted for allegedly conspiring from December 2007 to the date of the indictment to submit approximately \$931,000 in false claims to Medicare for DME, including power wheelchairs, wheelchair accessories and motorized scooters. The indictment alleges that Edozie worked at KO as a delivery driver and that he delivered medically unnecessary DME for KO. Edozie was charged with one count of conspiracy

to commit health care fraud, one count of health care fraud, and was provided notice of criminal forfeiture.

Obiske Okereke, 35, was indicted for allegedly conspiring from December 2007 to the date of the indictment to submit approximately \$931,000 in false claims to Medicare for DME, including power wheelchairs, wheelchair accessories and motorized scooters. The indictment alleges that Okereke worked at KO as a delivery driver and that he delivered medically unnecessary DME for KO. Okereke was charged with one count of conspiracy to commit health care fraud, and was provided notice of criminal forfeiture.

Trucare Medical Equipment Services (Trucare); Humble, Texas

Noel Jhagroo, 47, was indicted for allegedly conspiring from April 2004 to the present, to submit approximately \$892,000 in false claims to Medicare for DME items, including enteral nutrition supplies and orthotic devices. The indictment alleges Jhagroo, as the operator of Trucare, submitted false claims to Medicare representing he had supplied Medicare beneficiaries with enteral nutrition, feeding supply kits and orthotics, that in fact he had not supplied and were not medically necessary. Jhagroo was charged with one count of conspiracy to commit health care fraud, six counts of health care fraud, and was provided notice of criminal forfeiture.

Sefan Health Care Services Inc. (Sefan); Houston

Kate Ose Olear, 42, was indicted for allegedly conspiring from December 2005 to July 2009 to submit approximately \$2.75 million in false claims to the Medicare program for DME purportedly provided by Sefan. According to the indictment, the DME billed to Medicare by Sefan was not medically necessary, nor was it provided in every case. The indictment alleges Olear, as the day-to-day operator of Sefan, submitted false claims to Medicare for beneficiaries, which included several who were deceased on the alleged date of service. Olear was charged with one count conspiracy to commit health care fraud, seven counts of health care fraud, and was provided notice of criminal forfeiture.

John Edward Perry III M.D., 46 was indicted for allegedly conspiring from December 2005 to July 2009 to submit approximately \$2.75 million in false claims to the Medicare program for DME purportedly provided by Sefan. According to the indictment, the DME billed to Medicare by Sefan was not medically necessary, nor was it provided in every case. The indictment alleges Perry, a physician, signed prescriptions ordering the DME that served as the basis of Sefan's false claims for Medicare beneficiaries, which included several who were deceased on the alleged date of service. Perry was charged with one count conspiracy to commit health care fraud, seven counts of health care fraud, and was provided notice of criminal forfeiture.