

AFFIDAVIT IN SUPPORT OF ARREST WARRANT

Before me, Judge _____ of the Eleventh Judicial Circuit, Miami-Dade County, State of Florida, personally appeared Affiant Roberto Suarez, Law Enforcement Investigator, Medicaid Fraud Control Unit, Office of the Attorney General, who being duly sworn, deposes and states the following:

Your Affiant is a Law Enforcement Investigator II with the Medicaid Fraud Control Unit (MFCU), Office of the Attorney General, State of Florida. He has been employed by MFCU since June 2nd, 2006. Prior to being employed by MFCU, your Affiant was a Police Sergeant with the Miami Police Department. He retired from that position after 25 ½ years of service. During your Affiant's career with the Miami Police Department, he was assigned to the to the Criminal Investigations Division for 21 years. For 13 of those 21years, he was assigned to the Economic Crimes Detail which investigated fraud related crimes. Your Affiant has supervised, conducted and/or participated in many types of criminal investigations, including narcotics, robberies, batteries, burglaries, thefts and frauds. Your Affiant has also attended numerous training courses specifically related to the investigation of fraud cases.

The Agency for Health Care Administration (AHCA) is the State of Florida agency that oversees the Medicaid Program in providing medical services for indigent residents of Florida. Medicaid Program Integrity (MPI) is an investigative unit within AHCA that monitors the Medicaid Program for suspicious activities and overpayments. Affiliated Computer Systems (ACS) is the fiscal agent for the State of Florida that administers funds to the Medicaid providers of Florida. The Medicaid Fraud Control Unit (MFCU) exists to investigate allegations of Medicaid Fraud reported in the State of Florida. The MFCU is under the authority and supervision of the Office of the Attorney General.

Judge's Initials _____

INITIAL AHCA / MPI INVESTIGATION

On June 8th, 2006, the Agency for Health Care Administration/Medicaid Program Integrity (AHCA/MPI) forwarded information to the Medicaid Fraud Control Unit (MFCU) that six (6) recipients' parents had reported to them that Speech Therapy Services, Inc. (STSI) had billed Medicaid for services not rendered. AHCA/MPI then placed STSI on prepayment review and referred the matter to MFCU and the Department of Health for investigation.

In addition to the AHCA/MPI complaint, two anonymous letters were sent to the Office of the Attorney General alleging that STSI, which is owned by Tracy L. Deskins was committing Medicaid fraud. The first letter, post stamped June 17, 2006, included the following sentence: "I have been informed that during the past years (2004 and 2005) she has been billing the "Medicaid" program for patients that were already discharged and to whom she wasn't providing any SLP (speech - language pathology) services at that time." The second letter, post stamped Aug.5, 2006, stated that Tracy L Deskins "has been committing Medicaid Fraud during the years of 2004 and 2005." It adds that "...the fraud could amount to several hundred thousand dollars."

MFCU INVESTIGATION

On June 13th, 2006, MFCU received the complaint against STSI with the afore-mentioned allegations. On June 19th, 2006 your Affiant was assigned the case for investigation.

A search of the Florida Department of State, Division of Corporations, revealed that STSI became a Florida for profit corporation on April 18th, 2003. Its principal place of business and mailing address was 1450 North Krome Ave, Suite 101, Florida City, Florida 33034.

A search of the State of Florida Department of Health records revealed that Tracy Deskins

is a Speech-Language Pathologist with license # SA3831. It was issued on 12/29/1995 and it expires on 12/31/2007. Her address of record is 1450 North Krome Ave, Suite 101, Florida Cty, FL 33034.

Your Affiant requested and received from AHCA the Provider Enrollment File for STSI, under provider #8877203 00, which contained copies of the Electronic Claims Submission Agreement signed by Deskins on 8/26/2003. The file also contained copies of the Electronic Remittance Voucher Agreement signed by Deskins on July 1, 2004. The agreement indicates that Deskins/STSI would receive remittance vouchers directly, not through a billing agent for the company. A copy of the Authorization Agreement for Electronic Funds Transfer dated Sept. 11, 2003 was also provided by AHCA. This document was signed by Deskins and authorizes ACS (the fiscal agent for AHCA) to make deposits electronically into account # 0419766606 I/N/O STSI with Executive National Bank. Deskins and her mother, Julie A. Deskins, are the only authorized signers on this account.

Your Affiant obtained from ACS a Freedom Download for all claims submitted by STSI from 1/1/02 through 5/31/06. Your Affiant then interviewed both the parents of recipients who complained about fraudulent billings as well as the top billing recipients. The following is the result of your Affiant's interviews:

On July 5th, 2006, NP stated that neither of her sons (N.P. and N.P.) received speech therapy in 2005 from STSI. NP further stated that in 2005 and currently, her sons received speech therapy at school. To the best of her recollection, the last time her sons received therapy from STSI was in 2004. NP signed a sworn affidavit.

According to the Freedom Download billing records, there are 150 claims for service in 2005 for one of NP's sons and 150 claims for NP's other son. The payment for services to each recipient was \$10,182.00. The combined total amount paid to STSI in 2005 on behalf of these two

recipients for services not rendered was **\$20,364.00**.

On July 5th, 2006, YV stated that her son (E.H.) did not receive speech therapy in 2005 from STSI. She further stated that it had been several years since her son received speech therapy from STSI. YV signed an sworn affidavit.

According to the Freedom Download billing records, there are 105 claims for service in 2004 for this recipient for a payment of \$7,088.64 and 155 claims for service in 2005 for a payment of \$10,502.02. The combined total paid to STSI on behalf of this recipient for services not rendered was **\$17,590.66**.

On July 6th, 2006, NC stated to your Affiant that her son (P.C.) received speech therapy with STSI in early January 2006. NC added that in February 2006 she moved to Loxahatchee, Florida, which is approximately 100 miles from Miami. Thus, it was impossible for her son to continue visiting STSI.

On July 11th, 2006, PC, the ex-husband of NC, was interviewed and subsequently signed a sworn affidavit. He confirmed that the only time that son received speech therapy from STSI was in January 2006 and that his son moved to Loxahatchee, FL.

According to the Freedom Download billing records, STSI received \$2,553.04 for 47 claims submitted for the period of 01/02/06 through 04/19/06. If five (5) claims are excluded, based on PC's testimony that his son did attend approximately three (3) therapy sessions, then the amount received by STSI on behalf of this recipient for services not rendered was **\$2,281.80**.

On July 11th, 2006, BH, mother of two recipients (J.H. and C.H.) stated that neither of her children had ever received speech therapy from STSI. BH explained that beginning in August 2005, her children attended speech therapy with Promised Land Consultants. BH signed an sworn affidavit.

According to the Freedom Download billing records, STSI billed Medicaid for 145 claims from

1/7/05 through 12/31/05 for a total of \$9, 823.22 for each of these two recipients. The combined total paid to STSI for services not rendered was **\$19,646.44.**

On July 11th, 2006 MM, mother of one recipient, (M.B.) stated that her daughter did not receive speech therapy from STSI in 2005. Furthermore, MM stated that her daughter had not received speech therapy for at least three (3) years. MM is one of the original complainants listed in the AHCA /MPI report referred to MFCU. MM signed an sworn affidavit.

According to the Freedom Download billing records, STSI received \$5,820.78. for 93 claims from 1/7/04 though 12/31/04. STSI received \$6,452.44 for 119 claims from 01-06-05 through 12-31-05. The total paid to STSI for services not rendered was **\$12,273.22.**

On July 14, 2006, PA stated that she had never taken her son (A.V.) to STSI for speech therapy. Her son previously received therapy from a therapist named Lillian who was associated with Baptist Physical Therapy. However, he stopped in 2003 and he did not receive speech therapy from any provider in 2004 or 2005. PA was one of the original complainants named in the AHCA/MPI report. She signed a sworn affidavit.

Freedom Download billing records show that for this recipient, STSI filed 106 claims in 2004 and 94 claims in 2005. STSI received \$6,736.16 and \$5,425.70, respectively. The total paid to STSI for services not rendered was **\$12,161.86.**

On July 20, 2006, GSM stated that her son (L.C.) had attended therapy at the offices of STSI and that he was always seen by Speech Therapy Assistant, Beatriz Sourdis. Her son received thirty (30) minute sessions, twice a week and never, to her knowledge, received more than two (2) therapy sessions per week. GSM was one of the original complainants listed in the AHCA/MPI report. She signed a sworn affidavit.

Freedom Download billing records show that from 7/18/05 through 12/29/05, STSI filed 71 claims. STSI billed for *three (1) hour* sessions per week for a total of \$4,062.04. From 1/02/06

through 5/31/06 STSI filed 66 claims (also of one hour duration) for a total of \$3,579.30.

Based on this GSM's testimony, STSI was entitled to 48 claims (two sessions per week of 30 minute duration) in 2005 and should have received \$1,303.68 in payments. Likewise, in 2006, STSI was entitled to 44 claims (two sessions per week of 30 minute duration) and should have received \$1,195.04 in payments.

STSI over billed the Medicaid Program **\$5,142.62** by billing for therapy sessions not provided and by billing for therapy sessions of longer duration that actually provided.

On July 20th, 2006, IR, the mother of two recipients, (I.S. and I.S.) was interviewed. IR stated that on 9/23/05, which is one of her daughter's birthday, she informed STSI that she was not satisfied with their services and did not want them to continue providing therapy. Prior to that date, both of her daughters had been receiving speech therapy from STSI at home three (3) times a week for approximately fifteen (15) minutes per session. Their therapist was always Beatriz Sourdis. After 9/23/05, IR's daughters began speech therapy with another provider. IR is one of the original AHCA/MPI complainants on the report referred to this office for investigation. RI signed a sworn affidavit.

Freedom Download billing records show that from 9/26/05 through 12/28/05, STSI filed 48 claims for both of IR's daughters for a total of \$2,607.36. STSI continued filing claims for service into 2006. From 1/02/06 through 5/17/06, STSI filed 80 claims for both children for a total of \$4,345.60. STSI filed a combined total of 128 claims for services not rendered for a total of **\$6,952.96.**

On August 7, 2006, MD stated that her son (B.D.) had been evaluated by Tracy Deskins on or about 8/23/05. After that date, he received speech therapy three (3) times from STSI. MD contacted her son's school, First Presbyterian Church School, and obtained from them a copy of their "Therapist Sign In/Out Log" and provided a copy to your Affiant. This log shows that Tracy

Deskins signed the log on 9/8/05 11:20 a.m., 9/12/05 1:00 p.m. and 10/3/05 1:15 p.m., indicating that she provided therapy on those dates and times. Beginning with 3/16/06 and on through to 5/16/06, the log indicates that therapists from Multi-Lingual Speech Group, Inc provided therapy to this recipient. MD signed a sworn affidavit.

Freedom Download billing records show that STSI submitted 38 claims from 8/23/05 through 12/29/05 totaling \$1,697.00, and 36 claims from 1/3/06 through 5/6/06 totaling \$2,443.68. Based on the information obtained from this witness, STSI submitted 34 claims for services not rendered in 2005 totaling \$1446.00, and 36 claims for services not rendered in 2006 totaling \$2,443.68. STSI submitted a total of 70 claims for this recipient for a total of **\$3,889.68**.

On 9/6/06, CL stated that all three of her children (R.L., B.L., and B.L.) had received therapy STSI in 2004 and 2005, but only one of her children received speech therapy from STSI in 2006.

CL was shown the billing records submitted by STSI concerning her children. She noted two discrepancies: (1) The speech therapy sessions her children attended were always of 30 minute duration not of 60 minutes, as the billing records indicated and (2) Every year during the months of June and July, all three children went to Georgia to visit their father. Therefore, they have never attended therapy sessions during those two months even though STSI billed during these two months.

For recipient #1, in 2004 (3/10/04 - 5/22/04 and 8/2/04 - 10/27/04) STSI was paid for 50 sixty minute speech therapy sessions given by a speech therapy pathologist at the rate of \$67.88 for a total of \$3,394.00. However, these sessions should have been billed at the 30 minute rate of \$33.94. The over billing totaled \$1,697.00.

Also, as to recipient #1, in 2004 (6/2/04 - 7/28/04) STSI was paid for 18 sixty minute speech therapy sessions given by a speech therapy pathologist at the rate of \$67.88 for a total of \$1,221.84. However these sessions did not take place since the recipient was in Georgia visiting her father

during this time. Therefore, STSI billed for services not rendered in the amount of \$1,221.84.

For recipient #1, in 2005 (11/7/04 - 7/28/05) STSI was paid for 16 sixty minute speech therapy sessions of duration by a speech therapy assistant at the rate of \$54.32 for a total of \$869.12. However, these sessions should have been billed at the 30 minute rate of \$27.16. The over-billing totaled \$434.56.

For recipient #2, in 2004 (3/10/04 - 5/22/04 and 8/2/04 - 10/27/04) STSI was paid for 50 sixty minute speech therapy sessions given by a speech therapy pathologist at the rate of \$67.88 for a total of \$3,394.00. However, these sessions should have been billed at the 30 minute rate of \$33.94. The over-billing totaled \$1,697.00.

Also, for recipient #2 in 2004 (6/2/04 - 7/28/04) STSI was paid for 18 sixty minute speech therapy sessions given by a speech therapy pathologist at the rate of \$67.88 for a total of \$1,221.84. However, these sessions did not take place since the recipient was in Georgia visiting her father during this time. Therefore, STSI billed for services not rendered in the amount of \$1,221.84.

For recipient #2 in 2005 (11/7/04 - 7/28/05) STSI was paid for 16 sixty minute speech therapy sessions given by a speech therapy assistant at the rate of \$54.32 for a total of \$869.12. However, these sessions should have been billed at the 30 minute rate of \$27.16. The over-billing totaled \$434.56.

For recipient #3, in 2004 (1/14/04 - 5/26/04 and 8/2/04 - 12/29/04) STSI was paid for 86 sixty minute speech therapy sessions given by a speech therapy pathologist at the rate of \$67.88 for a total of \$5,837.68. However, these sessions should have been billed at the 30 minute rate of \$33.94. The over-billing totaled \$2,918.84.

Also, as to recipient #3 in 2004 (6/2/04 - 7/28/04) STSI was paid for 18 sixty minute speech therapy sessions given by a speech therapy pathologist at the rate of \$67.88 for a total of \$1,221.84. However these sessions did not take place since the recipient was in Georgia visiting his father

during this time. Therefore, STSI billed for services not rendered in the amount of \$1,221.84.

As to recipient #3 in 2005 (1/3/05 - 5/31/05 and 8/1/05 - 12/30/05) STSI was paid for 120 sixty minute speech therapy sessions given by a speech therapy pathologist at the rate of \$67.88 for a total of \$8,145.60 However, these sessions should have been billed at the 30 minute rate of \$33.94. The over- billing totaled \$4,072.80.

Also, as to recipient #3 in 2005 (6/1/05 - 7/29/05) STSI was paid for 26 sixty minute speech therapy sessions given by a speech therapy pathologist at the rate of \$67.88 for a total of \$1,764.88. However, these sessions did not take place since the recipient was in Georgia visiting his father during this time. Therefore, STSI billed for services not rendered in the amount of \$1,764.88.

As to recipient #3 in 2006 (1/4/06 - 5/31/06) STSI was paid for 65 sixty minute speech therapy sessions given by a speech therapy pathologist at the rate of \$67.88 for a total of \$4,412.20. However, these sessions should have been billed at the 30 minute rate of \$33.94. The over- billing totaled \$2,206.10.

The total amount STSI received for all CL's three children, for over-billings and for services not rendered was **\$18,891.26**.

Your Affiant's investigation established that, between January 2004 through June 2006, the Florida Medicaid program paid to STSI and/or Tracy Deskins **\$119,194.50** for fraudulent billings on behalf of 16 Medicaid recipients.

Your Affiant reviewed the Florida Medicaid Management Information System (FMMIS) records and found that the bank account where direct deposits were made for the payment of claims submitted by STSI to Medicaid was account # 0419766606 I/N/O STSI, with Executive National Bank located at 11354 SW 128 St, Miami, FI 33186. A subpoena for bank records for the period of 1/1/05 through 7/31/05 was obtained and served. The bank records confirmed that Tracy Deskins has signature authority in this account and that from January 2005 though July 2006, the

Medicaid Program paid STSI \$498,688.40 for claims submitted on behalf of Medicaid recipients, including the **\$119,194.50** paid for fraudulent claims. Bank records also showed that this account was used by Tracy Deskins to pay for both business and personal expenses.

Your Affiant's investigation also revealed that Beatriz E. Sourdis (BES), a speech-language pathology assistant worked for STSI. On Oct. 3, 2006, BES was interviewed at the Miami Office of the MFCU. In a tape-recorded interview where BES was represented by counsel, she stated that she had a conversation with Tracy Deskins some months back where BES asked Deskins about the problems she was having with Medicaid. BES said she asked Deskins directly if she had done anything wrong and Deskins replied: "Yes". BES then asked Deskins what she had done and Deskins explained that she had been billing Medicaid for patients that received therapy twice a week as if they were receiving therapy three times a week and that had she had continued billing for patients that had been discharged from therapy long ago. Deskins then began crying and hugged BES telling her that this involved a lot of money and that she knew she had done wrong and would have to pay back the money. Deskins said that it had been a temptation and that she had done a "diabolic thing". Deskins then asked BES to help her by calling her patients and telling them, that if asked, they should say that they received therapy three times a week and not two.

Based on the foregoing, your Affiant has probable cause to believe and does believe that beginning on or about January 1, 2004 and continuing through May 31, 2006, Tracy Deskins did commit the criminal offence of **Organized Fraud** 1st degree, by engaging in a scheme to defraud and obtain property, to wit, illegal proceeds as U. S. Currency from the State of Florida Medicaid Program, in violation of Florida Statute 817.034(4)(a)(1) (one count), and **Grand Theft** 1st degree by knowingly and feloniously obtaining or using or endeavoring to obtain U.S. Currency valued at \$119,194.50, being the property of the State of Florida, Agency for Health Care Administration and/or its fiscal agents, ACS, with the intent to either temporarily or permanently deprive the same of a right

to the money in violation of Florida Statute 812.014(2)(a).0844(5)(C) (one count).

Roberto Suarez, Affiant

SWORN and SUBSCRIBED before me on this _____ day of _____ 2007.

Circuit Court Judge Eleventh Circuit

Judge's Initials _____