

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

STATE OF FLORIDA)
)
COUNTY OF MIAMI-DADE)

AFFIDAVIT IN SUPPORT OF ARREST WARRANT

BEFORE ME, appeared Affiants, David Bremson, Law Enforcement Lieutenant for the Medicaid Fraud Control Unit of the Office of the Attorney General, and Rodolfo Martinez, Jr., Special Agent ("SA") with the U.S. Department of Health and Human Services who first being duly sworn, depose and state as follows:

I, David Bremson, am employed as a Law Enforcement Lieutenant with the Medicaid Fraud Control Unit (MFCU), Fort Lauderdale Office, of the Attorney General, Department of Legal Affairs, State of Florida since May 20, 2004. Prior to that I was employed as a Law Enforcement Investigator II, in the Miami Office, starting November 19, 2004. From August, 1973 through October, 1996, I was employed as a law enforcement officer for the Kansas City, Missouri, Police Department. Throughout my tenure, I handled several assignments in uniform patrol, investigations and administrative functions, retiring as a Captain. I was assigned, as an Investigator, to the Internal Affairs Division of the Kansas City, Missouri Police Department, wherein I investigated complaints against officers, internal investigations requested by the Chief of Police and alleged criminal conduct of police officers. I was assigned as a supervisor to the Crimes Against Person's Division, wherein I supervised investigations involving homicides, rapes and robberies. I was again assigned to the Narcotic and Vice Division wherein I worked with the United States Secret Service; Alcohol, Tobacco and Firearms; Federal Bureau of Investigation; and the Drug Enforcement Administration in the course of joint investigations. I obtained my Bachelors of Arts degree in Criminal Justice Administration from Rockhurst University, Kansas City, Missouri, and a Master of Arts degree in Management from Webster College, Saint Louis, Missouri. During my tenure with the Medicaid Fraud Control Unit, I have received specialized training and attended numerous seminars specifically related to health care fraud.

I, Special Agent ("SA") Rodolfo Martinez, Jr., U.S. Department of Health and Human

Services, Office of Inspector General (hereinafter "HHS-OIG"), am a Special Agent with HHS-OIG assigned to the Miami, Florida Field Office. As such, I am a law enforcement officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Title 18, United States Code, Section 1347. I have been a Special Agent with HHS-OIG for approximately one year and have been assigned to the Miami Field Office during that time. I am presently assigned to investigate a wide-variety of health care fraud matters, including schemes to defraud the Medicare and Medicaid programs. I have received training on the subject of health care fraud and money laundering from HHS-OIG. Prior to becoming a Special Agent, I worked as a Senior Border Patrol Agent with the U.S. Department of Homeland Security, Customs and Border Protection. As a Patrol Agent I gained valuable experience in conducting investigations, including investigations relating to the smuggling, aiding and harboring of aliens that have been smuggled into United States jurisdiction. I attended the Federal Law Enforcement Training Center at Brunswick, Georgia, where I received training for the purpose of accomplishing my Border Patrol duties, which included training in immigration related law and matters, also in criminal laws of the United States. I performed these duties for approximately eleven years

The Agency for Health Care Administration [hereinafter referred to as "AHCA"] is the State of Florida Agency that oversees the Medicaid Program to provide medical services for indigent recipients. ACS Corporation is the fiscal agent for the State of Florida that administers program funds to the providers. The Medicaid Fraud Control Unit [hereinafter referred to as "MFCU"] exists to investigate Medicaid fraud occurring in the State of Florida. The MFCU is under the authority and supervision of the Office of the Attorney General, of the State of Florida. The MFCU may investigate any criminal violations discovered during the course of those investigations, pursuant to Florida Statute §16.59.

This Affidavit details an investigation conducted by the MFCU and the U.S. Department of Health and Human Services. The investigation is predicated upon a complaint received by the AHCA. The complaint alleged a physician, Dr. Moraima Trujillo possibly billed for services not rendered or allowed others to bill for services that she did not provide.

Your Affiant received information indicating that Dr. Trujillo was possibly duplicating documentation noting that some type of service had been provided. Further investigation disclosed that she was working as a full time employee as the Medical Director for New Horizons Mental Health Center. During this time it was also determined that Dr. Trujillo was also working as a full time employee with Department of Veteran Affairs (VA), Miami, FL since 2000 and as a contract physician since 1985. By the VA employee rules, and supporting documentation provided by a Veterans Administration Inspector General Investigator Hector Mercado, Dr. Trujillo was required to work 40 hours a week. She was also working as part-time Medical Director for Passageway and was the Medical Director of Horizon Management at Larkin Community Hospital, and maintained her private practice where she allegedly conducted daily business and billed Medicaid and Medicare for those services and the other two facilities also billed for services that Dr. Trujillo allegedly provided.

Interview of personnel at each facility indicated that Dr. Trujillo would visit the facilities on particular dates, yet she was receiving payment from New Horizons and the Veterans Administration, as if she was present on a daily basis. As for her office she billed for providing services at that location during the same dates as when she allegedly was working at the other three facilities. (Passageway, and Horizon Health Corp. at Larkin Community Hospital). In the course of her private practice she billed Medicaid and Medicare.

Analyst Vicki Grudzinski, obtained downloads from the Freedom database which contains all billing submitted and paid to Medicaid providers and obtained a certified copy of Medicare billing submitted and paid to Medicare providers for the period from January, 2003 through December, 2005. The Affiant subpoenaed the time sheets from the Veterans Administration, New Horizons Mental Health Center and Passageway, since all of these facilities are subsidized through tax dollars.

Based on the information developed to date, Analyst Vicki Grudzinski proceeded to conduct an analysis to determine the number of hours supposedly worked by Dr. Moraima Trujillo each day during the year of 2004. This information was derived from:

1. Paid Medicaid Claims to Moraima Trujillo Retrieved from the Freedom System.
2. Paid Medicare Claims to Moraima Trujillo Received from Affiant Rodolfo Martinez, Department of Health and Human Services, Office of the Inspector General.
3. Veterans Administration Time Sheets for Moraima Trujillo.
4. Horizon Health Corporation Request for Payment Sheets for Moraima Trujillo.
5. Passageway Residence of Dade County, Medical Psychotherapy and Medication Review Forms Signed by Moraima Trujillo.
6. New Horizons Community Mental Health Center Inc. Time Sheets for Moraima Trujillo.

Hours worked by Moraima Trujillo were calculated as follows:

For **Medicaid and Medicare** those procedure codes for which the CPT Code Profile indicated a time amount, the minutes for each code billed per day were totaled and the hours calculated. In addition, Dr. Trujillo billed for other procedure codes for which no time increment is included in the CPT Code Profile, these procedures were **not** taken into account when calculating the hours worked. The following codes were included when calculating the hours per day:

90807 - Individual psychotherapy, insight oriented, behavior modifying and/or supportive, in an office or outpatient facility, approximately 45 to 50 minutes face-to-face with the patient; with medical evaluation and management services. 45 minutes was used to calculate time for this procedure.

90817 - Individual psychotherapy, insight oriented, behavior modifying and/or supportive, in an inpatient hospital or residential care setting, approximately 20 to 30 minutes face-to-face with the patient; with medical evaluation and management services. 20 minutes was used to calculate time for this procedure.

90819 - Individual psychotherapy, insight oriented, behavior modifying and/or supportive, in an inpatient hospital or residential care setting, approximately 45 to 50 minutes face-to-face with the patient; with medical evaluation and management services. 45 minutes was used to calculate

time for this procedure.

99223 - Initial hospital care, per day, for the evaluation and management of a patient, which requires these three key components; a comprehensive history, a comprehensive examination; and medical decision making of high complexity. Counseling and/or coordination of care with other providers or agencies are provided consistent with the nature of the problem(s) and the patient's and/or family's needs. Usually, the problem(s) requiring admission are of high severity. Physicians typically spend 70 minutes at the bedside and on the patient's hospital floor or unit. 70 minutes was used to calculate time for this procedure.

99253 - Initial inpatient consultation for a new or established patient, which requires these three components: a detailed history, a detailed examination, and medical decision making of low complexity.

Counseling and/or coordination of care with other providers or agencies are provided consistent with the nature of the problem(s) and the patient's and/or family's needs. Usually, the presenting problem(s) are of moderate severity. Physicians typically spend 55 minutes at the bedside and on the patient's hospital floor or unit. 55 minutes was used to calculate time for this procedure.

Time sheets were received from the VA, where Dr. Trujillo is a salaried 40 hour per week employee . Where the time sheets indicated Day Tour and no leave taken, eight hours of work by Dr. Trujillo was attributed to that day.

Dr. Trujillo is an independent contractor of **Horizon Health Corporation**. She provides 20 hours of service to them a month for which she submits a Request for Payment itemizing her time. Only those days for which specific hours could be attributed were used for hours worked calculation purposes (if there were several hours where she was performing the same task and she indicated several dates, none of these dates were used as there was no way to break out how much time she spent on the task on a specific date).

Passageways Residence of Dade County provided us with Medical Psychotherapy &

Medication Review Forms for patients which were signed by Dr. Trujillo as having performed the service. These forms indicate medication management follow up of 15 minutes. For each form signed by her, 15 minutes of work time was allotted. Minutes for each day were totaled and hours were calculated.

Time sheets were received from **New Horizons Community Mental Health Center Inc.** These sheets indicated a start and end time for each day worked by Dr. Trujillo and were signed by her. Hours worked each day were calculated (her lunch hour was not included in hours worked).

The hours worked per day calculated from each of the six sources listed above were combined together to get a grand total of hours supposedly worked per day by Dr. Trujillo.

Findings/Conclusions:

There were 207 days, in 2004, wherein Dr. Trujillo worked over 20 hours. These days and the number of calculated hours are as follows:

COUNT	SERV DATE	HOURS
1	Monday, January 05, 2004	37.08
2	Tuesday, January 06, 2004	34.25
3	Wednesday, January 07, 2004	38.25
4	Thursday, January 08, 2004	28.50
5	Friday, January 09, 2004	28.92
6	Monday, January 12, 2004	36.67
7	Tuesday, January 13, 2004	30.42
8	Wednesday, January 14, 2004	31.92
9	Thursday, January 15, 2004	30.17
10	Friday, January 16, 2004	27.00
11	Tuesday, January 20, 2004	28.17
12	Wednesday, January 21, 2004	33.00
13	Thursday, January 22, 2004	27.75
14	Friday, January 23, 2004	27.75
15	Monday, January 26, 2004	34.50
16	Tuesday, January 27, 2004	30.75
17	Wednesday, January 28, 2004	32.67
18	Thursday, January 29, 2004	28.08
19	Friday, January 30, 2004	27.67
20	Monday, February 02, 2004	32.25
21	Tuesday, February 03, 2004	27.33
22	Wednesday, February 04, 2004	31.00

23	Thursday, February 05, 2004	26.08
24	Friday, February 06, 2004	25.17
25	Monday, February 09, 2004	32.17
26	Tuesday, February 10, 2004	27.83
27	Thursday, February 12, 2004	24.58
28	Friday, February 13, 2004	26.58
29	Tuesday, February 17, 2004	36.75
30	Wednesday, February 18, 2004	30.00
31	Thursday, February 19, 2004	27.50
32	Friday, February 20, 2004	29.83
33	Monday, February 23, 2004	34.17
34	Tuesday, February 24, 2004	29.33
35	Wednesday, February 25, 2004	29.83
36	Thursday, February 26, 2004	28.25
37	Friday, February 27, 2004	28.42
38	Monday, March 01, 2004	36.67
39	Tuesday, March 02, 2004	30.33
40	Wednesday, March 03, 2004	34.67
41	Thursday, March 04, 2004	28.50
42	Friday, March 05, 2004	28.92
43	Monday, March 08, 2004	32.75
44	Tuesday, March 09, 2004	29.42
45	Wednesday, March 10, 2004	34.33
46	Thursday, March 11, 2004	21.17
47	Friday, March 12, 2004	21.17
48	Monday, March 15, 2004	40.67
49	Tuesday, March 16, 2004	34.50
50	Wednesday, March 17, 2004	34.33
51	Thursday, March 18, 2004	27.92
52	Friday, March 19, 2004	28.00
53	Monday, March 22, 2004	34.25
54	Tuesday, March 23, 2004	27.67
55	Wednesday, March 24, 2004	30.17
56	Thursday, March 25, 2004	23.33
57	Friday, March 26, 2004	26.33
58	Monday, March 29, 2004	27.92
59	Tuesday, March 30, 2004	25.67
60	Monday, April 05, 2004	30.00
61	Tuesday, April 06, 2004	21.83
62	Wednesday, April 07, 2004	26.67
63	Thursday, April 08, 2004	23.00
64	Friday, April 09, 2004	24.08
65	Monday, April 12, 2004	28.00
66	Tuesday, April 13, 2004	32.50
67	Wednesday, April 14, 2004	31.92
68	Thursday, April 15, 2004	25.33
69	Friday, April 16, 2004	23.92
70	Monday, April 19, 2004	33.00
71	Tuesday, April 20, 2004	25.17
72	Wednesday, April 21, 2004	36.50
73	Monday, April 26, 2004	31.75
74	Tuesday, April 27, 2004	27.42
75	Wednesday, April 28, 2004	32.75
76	Thursday, April 29, 2004	23.67
77	Friday, April 30, 2004	22.92
78	Monday, May 03, 2004	28.75

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79	Tuesday, May 04, 2004	27.17
80	Wednesday, May 05, 2004	31.00
81	Thursday, May 06, 2004	20.75
82	Monday, May 10, 2004	39.58
83	Tuesday, May 11, 2004	31.75
84	Wednesday, May 12, 2004	28.17
85	Thursday, May 13, 2004	21.92
86	Friday, May 14, 2004	22.42
87	Monday, May 17, 2004	37.42
88	Tuesday, May 18, 2004	27.75
89	Wednesday, May 19, 2004	36.08
90	Thursday, May 20, 2004	29.50
91	Friday, May 21, 2004	27.75
92	Tuesday, June 01, 2004	29.17
93	Wednesday, June 02, 2004	34.17
94	Thursday, June 03, 2004	31.58
95	Friday, June 04, 2004	25.67
96	Monday, June 07, 2004	43.67
97	Tuesday, June 08, 2004	33.75
98	Wednesday, June 09, 2004	34.50
99	Friday, June 11, 2004	20.42
100	Monday, June 14, 2004	29.17
101	Tuesday, June 15, 2004	30.42
102	Wednesday, June 16, 2004	32.17
103	Thursday, June 17, 2004	25.25
104	Friday, June 18, 2004	23.08
105	Monday, June 21, 2004	26.08
106	Tuesday, June 22, 2004	27.42
107	Wednesday, June 23, 2004	29.75
108	Thursday, June 24, 2004	24.58
109	Monday, June 28, 2004	31.42
110	Tuesday, June 29, 2004	29.42
111	Wednesday, June 30, 2004	25.50
112	Thursday, July 01, 2004	22.92
113	Tuesday, July 06, 2004	29.92
114	Wednesday, July 07, 2004	30.50
115	Thursday, July 08, 2004	25.92
116	Friday, July 09, 2004	24.67
117	Monday, July 12, 2004	38.58
118	Tuesday, July 13, 2004	23.58
119	Wednesday, July 14, 2004	31.67
120	Thursday, July 15, 2004	23.50
121	Friday, July 16, 2004	23.17
122	Monday, July 19, 2004	29.17
123	Wednesday, July 21, 2004	27.42
124	Thursday, July 22, 2004	21.42
125	Friday, July 23, 2004	22.00
126	Monday, July 26, 2004	33.00
127	Tuesday, July 27, 2004	25.58
128	Wednesday, July 28, 2004	28.50
129	Thursday, July 29, 2004	25.58
130	Friday, July 30, 2004	22.67
131	Monday, August 02, 2004	33.25
132	Tuesday, August 03, 2004	35.33
133	Wednesday, August 04, 2004	32.42
134	Monday, August 09, 2004	38.33

135	Tuesday, August 10, 2004	22.50
136	Wednesday, August 11, 2004	28.58
137	Thursday, August 12, 2004	22.50
138	Monday, August 16, 2004	35.92
139	Tuesday, August 17, 2004	29.75
140	Wednesday, August 18, 2004	30.75
141	Thursday, August 19, 2004	24.67
142	Friday, August 20, 2004	23.25
143	Monday, August 23, 2004	36.42
144	Tuesday, August 24, 2004	33.17
145	Wednesday, August 25, 2004	33.25
146	Thursday, August 26, 2004	26.92
147	Friday, August 27, 2004	26.00
148	Monday, August 30, 2004	26.50
149	Tuesday, August 31, 2004	40.50
150	Wednesday, September 01, 2004	29.75
151	Thursday, September 02, 2004	20.33
152	Friday, September 03, 2004	20.08
153	Monday, September 06, 2004	28.08
154	Tuesday, September 07, 2004	26.58
155	Wednesday, September 08, 2004	32.00
156	Thursday, September 09, 2004	25.33
157	Friday, September 10, 2004	22.67
158	Monday, September 13, 2004	29.92
159	Tuesday, September 14, 2004	24.00
160	Wednesday, September 15, 2004	29.42
161	Thursday, September 16, 2004	29.33
162	Friday, September 17, 2004	22.58
163	Monday, September 20, 2004	35.58
164	Tuesday, September 21, 2004	31.75
165	Wednesday, September 22, 2004	28.25
166	Thursday, September 23, 2004	29.50
167	Friday, September 24, 2004	25.67
168	Monday, September 27, 2004	35.17
169	Tuesday, September 28, 2004	27.33
170	Wednesday, September 29, 2004	28.33
171	Monday, October 11, 2004	23.75
172	Tuesday, October 12, 2004	30.67
173	Wednesday, October 13, 2004	37.67
174	Thursday, October 14, 2004	28.25
175	Friday, October 15, 2004	31.00
176	Monday, October 18, 2004	37.25
177	Tuesday, October 19, 2004	30.00
178	Wednesday, October 20, 2004	34.50
179	Thursday, October 21, 2004	31.83
180	Friday, October 22, 2004	30.50
181	Monday, October 25, 2004	38.08
182	Tuesday, October 26, 2004	31.25
183	Wednesday, October 27, 2004	32.50
184	Thursday, October 28, 2004	25.92
185	Friday, October 29, 2004	25.92
186	Monday, November 01, 2004	29.50
187	Tuesday, November 02, 2004	31.08
188	Wednesday, November 03, 2004	37.67
189	Thursday, November 04, 2004	25.33
190	Friday, November 05, 2004	27.33

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191	Monday, November 08, 2004	34.67
192	Tuesday, November 09, 2004	28.50
193	Wednesday, November 10, 2004	28.75
194	Friday, November 12, 2004	23.92
195	Monday, November 15, 2004	36.58
196	Tuesday, November 16, 2004	30.92
197	Wednesday, November 17, 2004	36.33
198	Thursday, November 18, 2004	27.42
199	Friday, November 19, 2004	24.75
200	Monday, November 29, 2004	31.42
201	Tuesday, November 30, 2004	21.75
202	Wednesday, December 01, 2004	28.83
203	Thursday, December 02, 2004	24.75
204	Friday, December 03, 2004	23.17
205	Monday, December 06, 2004	31.50
206	Wednesday, December 08, 2004	21.42
207	Friday, December 10, 2004	30.67

Analyst Vicki Grudzinski, obtained downloads from the Freedom database which contains all billing submitted and paid to Medicaid providers, this revealed total Medicaid billings by Dr. Trujillo for the period from January, 2003 through December, 2005 in the amount of \$208,876.54. Also, the Affiant obtained a certified copy of Medicare billing submitted and paid to Medicare providers for the period from January, 2003 through December, 2005. Those records revealed that Medicare paid Dr. Trujillo a total of \$737,843.14 during that period.

Based on the aforementioned, your Affiant has probable cause to believe and does believe that Dr. Trujillo on the above noted dates did commit Organized Fraud, by engaging in a systematic, ongoing course of conduct with intent to defraud one or more persons, including but not limited to the Florida Medicaid Program, with intent to obtain property from one or more persons by willful misrepresentations, in violation of Fla. Stat. §817.034(4)(a)2, a felony of the first degree and, further, did commit Grand Theft of the first degree, by knowingly and feloniously obtaining, using or endeavoring to obtain and use U.S. currency valued at more than \$100,000.00 (One Hundred Thousand Dollars), said currency being the property of the State of Florida Medicaid Program, with the intent to either temporarily or permanently deprive the same of a right to the U.S. Currency, in violation of Florida Statute §812.014(1)and (2) (a) (1).

Your Affiant requests that a warrant be issued for Moraima Trujillo, commanding all Sheriff's and Police Chief's of the State of Florida, or any of their duly authorized officers or deputies, to arrest this subject and bring her before the Court so that she may be dealt with according to law.

AFFIANT

David Bremson, Law Enforcement Lieutenant
Medicaid Fraud Control Unit

AFFIANT
Rodolfo Martinez, Special Agent
U.S. Department of Health & Human Services

SWORN to and SUBSCRIBED before me on this _____ day of March, 2007
