

**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, Lody Jean, Judge of the Circuit Court, in and for Miami-Dade County, Florida, personally appeared Law Enforcement Investigator II, William Moreno, hereinafter referred to as your Affiant, of the Florida Office of the Attorney General's Medicaid Fraud Control Unit, who being first duly sworn, deposes and says that he has probable cause to believe that certain laws of the State of Florida have been violated, in particular: **Medicaid Fraud**, \$10,000 - \$50,000, Florida Statute **409.920(2)(a)1 and 2(b)(1)b**, **Grand Theft**, Florida State Statute **812.014(1)(b) and 2(c)2**, by Julio A. Suarez, hereinafter referred to as Defendant, in Miami-Dade County and Leon County for the Judicial Circuits of the Eleventh and Second. The said offenses occurred in two judicial circuits in the State of Florida as part of related transactions and/or were connected with an organized criminal conspiracy affecting two judicial circuits in the State of Florida, and/or was facilitated or connected by the use of the internet, which is a crime occurring in every judicial circuit in the State of Florida.

DEFENDANT'S IDENTIFICATION

Julio A Suarez: W/M; HGT 6'0"; D.O.B. [REDACTED] FL DL: [REDACTED] SSN [REDACTED]
[REDACTED] L.K.A. [REDACTED]

AFFIANT'S TRAINING & EXPERIENCE

Your Affiant is currently employed as a Law Enforcement Investigator II for the Office of the Florida Attorney General, Medicaid Fraud Control Unit and has been working in that capacity for approximately 4 years. During that time, your Affiant has received training in the investigation of Medicaid fraud related crimes and has investigated and / or participated in many investigations, search warrants, and / or arrests of individuals violating the Medicaid Fraud laws of the State of Florida. Prior to his employment with the Attorney General's Office, your Affiant worked for the City of Miami Police Department and retired after

Judge's Initials TJ

Affiant's Initials W

AAG's Initials SM Page 1 of 7

27 ½ years of service. Your Affiant worked in a variety of positions within the City of Miami Police Department as a uniformed patrol officer, Public Information Office, Economic Crimes Investigator, and Traffic Homicide Detail.

DEFINITIONS

AHCA - 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.

FDOH - Acronym for the Florida *Department of Health*. FDOH is responsible for the regulation of health practitioners and for the preservation of the health, safety, and welfare of the public.

FMMIS - Acronym for the *Florida Medicaid Management Information System*. FMMIS is a databank managed by AHCA/HP for obtaining provider information, claims information, recipient information, and other data points that may be pertinent to an investigation.

DSS – Acronym for Decision Support System. DSS is an interactive software-based system intended to help decision makers compile useful information from a combination of raw data, documents, and personal knowledge from FMMIS to formulate information that is then used as an investigative tool.

DXC Technology – is the fiscal agent for the State of Florida that administers program funds to Medicaid providers and is located in Tallahassee, Leon County, Florida. DXC also provides claims data used to review claims submitted by providers to the Medicaid program, and payments made to the providers from the Medicaid program. Current business practice is that all Medicaid billing is done electronically, i.e., computer transmittal.

MCO – Acronym for Managed Care Organizations. MCO is an organization that arranges for health care delivery and financing and that is designed to provide appropriate, effective, and efficient health care through organized relationships with providers.

Liberty Dental (LD) and Managed Care of North America Dental (MCNA) - both entities are managed care organizations under contract with the Florida Medicaid Program to pay for dental services rendered to Medicaid recipients.

Medicaid – A Federal and State government program that pays for medical care for people who meet specific technical, medical, and asset criteria. The Federal government sets guidelines for services and pays part of the cost. The Medicaid program is authorized by Title XIX of the Social Security Act. In Florida,

Judge's Initials *D*

Affiant's Initials *[Signature]*

Page 2 of 7
AAG's Initials *JM*

the Medicaid program is authorized by Chapter 409, Florida State Statutes and Chapter 59G, Florida Administrative Code.

Medicaid Fraud Control Unit (MFCU) – A unit that 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. Pursuant to Florida Statute Chapter 16, Section 16.59, the MFCU is authorized to investigate all violations of Florida Statute Chapter 409.920, Medicaid Provider Fraud, and any other criminal violations discovered during those investigations.

Dentist – a person licensed to practice dentistry pursuant to FSS 466.

Dental Hygienist – a person licensed to practice dental hygiene pursuant to FSS 466.

Dental Hygiene – means the rendering of educational, preventative, and therapeutic dental services.

Dental Assistant – a person, other than a dental hygienist, who, under the supervision and authorization of a dentist, provides dental care services directly to a patient.

Dental Radiographer – a person that may position and expose dental radiographic images.

DETAILS OF INVESTIGATION

This investigation was predicated upon information received by the Florida Department of Health, from a former employee of Art Dental and witness AZ¹, who stated that dental hygienist, Defendant Julio A. Suarez and another former employee of Art Dental and witness AU (both unlicensed dentists), were performing extractions, bridges, crowns, and fillings on patients and specifically, Medicaid recipients. These dental procedures and others are required by law to be performed by a licensed dentist. A dental hygienist is prohibited from performing such procedures, even under the supervision of a licensed dentist. This conduct by unauthorized/ineligible individuals was occurring at Art Dental Services Inc, located at 11373 SW 211 Street, Miami, Florida 33189 and were illegally billed to Medicaid as if rendered by Medicaid provider and licensed dentist, Dr. Katia Puente, provider # 008686800.

Art Dental Services Inc and SSA Services Inc, AKA The Tooth Place (8 Palm Plaza Homestead, FL 33030, located in Miami-Dade County) are both dental offices offering general dentistry, cosmetic dentistry, teeth whitening, implants & other dental services. The facilities have different directors and are located approximately thirteen (13) mile apart from each other.

¹ Names of witnesses will not be included throughout the affidavit for their protection.

Judge's Initials JA

Affiant's Initials [Signature]

Page 3 of 7
AAG's Initials JM

Several recipients were interviewed by FDOH Investigators, who positively identified Defendant Julio Suarez and former employee of Art Dental and witness AU, as the individuals who diagnosed them and performed procedures to include tooth extraction(s), tooth filling(s), shave down bone(s) and sutures. FDOH issued notices to cease and desist and citations to Art Dental Services Inc., Defendant Julio Suarez, and witness AU.

Fourteen (14) Medicaid recipients for whom the Medicaid program was billed and paid for procedures purportedly rendered by provider Dr. Katia Puente were identified and interviews were conducted by Investigators J. Pena and your Affiant. These interviews revealed that the recipients were patients of Art Dental Services Inc. and they (or in the case of minors, their parents) positively identified the photographic image of Defendant Julio Suarez as the dentist (unlicensed) who performed the unlicensed procedures on them, during a time period of 1/8/2016 through 1/5/2017.

In the course of the investigation, Investigator J. Pena & your Affiant met with the property manager of Palm Plaza Shopping Center, witness AG, who provided a copy of a lease agreement and an eviction notice for Art Dental Services Inc.

The business lease agreement for Art Dental Services Inc. is for the premises described as 11373 S.W. 211 Street, Unit 10 and 11 Miami, FL 33189, located in Miami-Dade County, and for dental equipment at this location. The lease agreement contains the initials "FL" and "JS" on each page and bears a signature of Fernando D. Lourenco as the president and another signature resembling the signature of Defendant Julio Suarez.

A certified copy of the Electronic Articles of Incorporation for Art Dental Services Inc. revealed that the corporation was filed on April 16, 2015 and lists Fernando D. Lourenco as the president and Defendant Julio Suarez as vice president. Art Dental Services Inc. shows to be inactive as of September 22, 2017, due to administrative dissolution for annual report.

Financial records from 1st National Bank of South Florida account #2053 115 9, I/N/O Art Dental Services Inc., were subpoenaed for the time frame of January 1, 2015 through December 31, 2018. The bank records revealed that the account was opened on 04/23/2015 and a closing debit of \$351.22 was posted on 02/06/2017. Both, Fernando D. Lourenco and Defendant Julio Suarez were authorized signers on the account. All checks issued in the account bear the signature of Fernando D. Lourenco.

Judge's Initials *JA*

Affiant's Initials *[Signature]*

Page 4 of 7
AAG's Initials *JM*

Further review of the records showed that from January 1, 2016 through February 6, 2017, deposits totaling \$34,528.01 were received by Art Dental from Liberty Dental and deposits totaling \$7,011.23 were received from MCNA, both under contract with the Medicaid Program. The Medicaid billing that was submitted by Art Dental was received by Medicaid in Tallahassee, FL, located in Leon County. This caused Medicaid funds from Leon County, FL to be provided to Liberty Dental and MCNA who then dispersed those funds to Art Dental located in Miami Dade County, FL. During this time frame checks from Art Dental and signed by Fernando Lourenco were issued to Defendant Julio Suarez totaling \$24,300.00.

On February 6, 2020, former employee of Art Dental and witness AU came to the MFCU, Miami office, accompanied by legal counsel and was interviewed by your Affiant. Witness AU stated that she is licensed in the State of Florida as a dental hygienist, and X-ray Technician and licensed as a Dentist in the State of California.

Witness AU stated that she was hired to work as a temp at The Tooth Place by the Fernando D. Lourenco in the capacity of a dental hygienist and later at Art Dental as a dentist to perform all required procedures to include but not limited to: fillings, extractions and root canals. Witness AU stated that the Fernando D. Lourenco had full knowledge that she was not a licensed dentist in the State of Florida.

Witness AU stated that she was originally introduced to Defendant Julio Suarez by staff members at The Tooth Place who referred to him as "Dr. Suarez". Witness AU stated she has observed Defendant Julio Suarez perform as an unlicensed dentist doing procedures such as but not limited to: fillings, dentures and extractions at both the Tooth Place and the Art Dental locations.

On February 20, 2020, former Art Dental employee and witness AZ came to the MFCU, Miami office and provided a recorded sworn statement. Witness AZ stated that she has a high school diploma and attended trade school for business and computer literature.

Witness AZ stated that she was hired by Fernando Lourenco to work at The Tooth Place in a clerical capacity. Later, witness AZ became responsible for managing a new office at the Art Dental location, and tasked in submitting provider applications, updating employee files, scheduling appointments, insurance verification and billing.

Witness AZ explained that as patients checked in, they were prepared to be seen by Defendant Julio Suarez, who would then diagnose them and perform any required dental procedures. Witness AZ stated that when patients returned for a follow up, she would note in the patients' files that the rendering provider was Defendant Julio Suarez, although it was Dr. Katia Puente's credentials that were used for billing purposes.

Judge's Initials AB

Affiant's Initials [Signature]

Page 5 of 7
AAG's Initials JM

Witness AZ explained that the patients' files, containing the procedures performed, would be used to prepare and submit billing to Medicaid.

Witness AZ stated that several claims listing Defendant Julio Suarez as the rendering provider were rejected by the insurance provider. When she informed Fernando Lourenco, he instructed her to always bill using Dr. Katia Puente's credentials. Witness AZ stated that after she informed Dr. Katia Puente that her license was being used in her absence for billing purposes, she overheard a meeting between Fernando Lourenco and Dr. Katia Puente where Dr. Puente told Fernando Lourenco to not use her provider number to bill Medicaid for work she has not done. Witness AZ stated that Dr. Katia Puente informed AZ, in the presence of Fernando Lourenco, that no billing should be submitted using her credentials in her absence. Witness AZ stated that Fernando Lourenco then told AZ not to concern herself further with the Medicaid billing.

Witness AZ stated that as she updated employee's files, submitted Medicaid enrollment documents and questioned Fernando Lourenco's instructions, she realized that Defendant Julio Suarez, whom she witnessed performing procedures reserved for a dentist, was in fact not licensed as a dentist.

A fraud loss calculation was performed by a MFCU auditor for dental procedures billed/paid by Managed Care Organizations (MCO's) under contract with the Florida Medicaid program for the period of 01/01/2016 - 04/30/2017. It focused on procedures that are required to be performed by a licensed dentist but were performed by Defendant Julio Suarez who is only a licensed dental hygienist. These procedures were billed by Art Dental Services Inc. for services that listed Dr. Katia Puente as the rendering provider but were, in fact, performed by Defendant Julio Suarez, an unlicensed dentist acting outside the scope of his license. The analysis revealed that Art Dental Services Inc., fraudulently billed Medicaid \$12,119.19 for these services and was reimbursed \$8,183.61.

Based on the testimony of the witnesses, a review of DSS billing data, lease agreement and bank records, it was determined that between April 16, 2015 and continuing through and including September 22, 2017, Defendant Julio Suarez fraudulently caused the Medicaid program to be billed \$12,119.19 and pay approximately \$8,183.61 for dental services performed by Defendant Julio Suarez, who is an unlicensed dentist acting outside the scope of his license.

Judge's Initials JD

Affiant's Initials [Signature]

Page 6 of 7
AAG's Initials JM

Defendant Julio A. Suarez:

Medicaid Fraud, (\$10,000 - \$50,000), 2nd Degree Felony, 1 (one) count:

Based upon the evidence resulting from this investigation, the Affiant states that there is probable cause to believe that beginning on or about April 16, 2015 and continuing through and including September 22, 2017, in the Second and Eleventh Judicial Circuits of Florida, to-wit: Leon County and Miami-Dade County, Defendant Julio A. Suarez did knowingly make, cause to be made, or aid and abet in the making of any false statement or false representation of a material fact, by commission or omission, in any claim submitted to the Agency for Health Care Administration or its fiscal agent or a managed care plan for payment and received or endeavored to receive anything of value between \$10,000 - \$50,000, in violation of Florida Statute **409.920(2)(a)1 and 2(b)(1)b**.

Additionally, Affiant states that there is probable cause to believe that beginning on or about April 16, 2015 and continuing through and including September 22, 2017, in the Second and Eleventh Judicial Circuits of Florida, to-wit: Leon County and Miami-Dade County, Defendant Julio A. Suarez did commit the individual acts of:

Grand Theft in violation of Florida State Statute **812.014(1)(b) and (2)(c)2**, by appropriating property valued at more than \$5,000 but less than \$10,000 to his or her own use or to the use of any person not entitled to the use of the property.

William Moreno, AFFIANT
Law Enforcement Investigator II
Medicaid Fraud Control Unit

SWORN and SUBSCRIBED before me on this 25th day of February 2021.

(Seal)
Circuit Court Judge, Eleventh Circuit

Lody Jean
Circuit Court Judge

Judge's Initials JA

Affiant's Initials W

AAG's Initials DM Page 7 of 7