

INFORMATION (FELONY)

Dewey

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.

STATE OF OKLAHOMA,)
Plaintiff,)
)
vs.)
)
SYLVESTER EDET ATAKPO,)
Defendant.)

OCT 23 2012

PATRICIA PRESLEY, COURT CLERK
by _____
DEPUTY

INFORMATION

CF-2012-6583

In the name and by the authority for the State of Oklahoma, comes now E. SCOTT PRUITT, the duly elected, qualified, and acting Attorney General of the State of Oklahoma, and on his official oath informs the District Court that:

COUNT 1: MEDICAID FRAUD [56 O.S. §1005(A)(1)]

On or between August 19, 2009 through March 8, 2010, in Oklahoma County, Oklahoma, Defendant SYLVESTER EDET ATAKPO committed the crime of MEDICAID FRAUD, a felony, in violation of Title 56 O.S. Section 1005(A)(1), by willfully and knowingly causing to be submitted to the Oklahoma Medicaid Program through its fiscal agent, false claims for payment in the aggregate amount of more than \$2,500.00 for Medicaid services not provided to Pilar Plascencia.

COUNT 2: MEDICAID FRAUD [56 O.S. §1005(A)(1)]

On or between August 19, 2009 through March 8, 2010, in Oklahoma County, Oklahoma, Defendant SYLVESTER EDET ATAKPO committed the crime of MEDICAID FRAUD, a felony, in violation of Title 56 O.S. Section 1005(A)(1), by willfully and knowingly causing to be submitted to the Oklahoma Medicaid Program through its fiscal agent, false claims for payment in the aggregate amount of more than \$2,500.00 for Medicaid services not provided to A.P.

All in violation of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma.

Dated this 23 day of October, 2012.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA

BY:

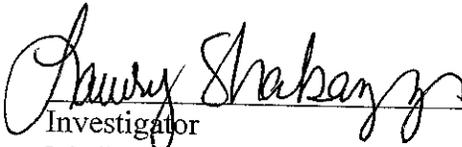
Lory Dewey
LORY DEWEY, OBA# 19540

Assistant Attorney General
313 NE 21st Street
Oklahoma City, OK 73105
(405) 521-3921

State of Oklahoma)

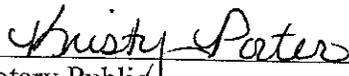
County of Oklahoma) ss.

I, Lawry Shabazz, being duly sworn upon oath, state that I have read the above and foregoing Information and know the contents thereof, and that the facts stated herein are true.


Investigator
Medicaid Fraud Control Unit

Subscribed and sworn to before me this 23 day of October, 2012.




Notary Public

Witnesses for the State of Oklahoma:

Adrian Plascencia, contact Attorney General's Office

Pilar Plascencia, contact Attorney General's Office

Elizabeth Griffin; 1100 S.W. 103rd ST.; Oklahoma City, OK 73139-2961

Susan Lowrey, Behavioral Health Audit Specialist; Program Integrity Unit; Oklahoma Health Care Authority; 2401 NW 23rd ST., Ste. 1A; Oklahoma City, OK 73107-2423

Fred Oraene, Data Processing Analyst & Planning Specialist; Information Systems; Oklahoma Health Care Authority; 2401 NW 23rd ST., Ste. 1A; Oklahoma City, OK 73107-2423

Richard Pierson, Executive Director; Oklahoma State Board of Licensed Alcohol and Drug Counselors; P.O. Box 54388; Oklahoma City, OK 73154-0817

Paula Printup-Porter, Senior Systems Analyst; Program Integrity Unit; Oklahoma Health Care Authority; 2401 NW 23rd ST., Ste. 1A; Oklahoma City, OK 73107-2423

Beth VanHorn, Legal Operations Director; Oklahoma Health Care Authority; 2401 NW 23rd ST.; Oklahoma City, OK 73107-2423

Justin Etchieson; Medicaid Fraud Control Unit; Oklahoma Attorney General's Office; 313 NE 21st ST.; Oklahoma City, OK 73105-3207

Lawry Shabazz; Medicaid Fraud Control Unit; Oklahoma Attorney General's Office; 313 NE 21st ST.; Oklahoma City, OK 73105-3207

Behavioral health counseling services are provided in accordance with an initial assessment and the development of a service plan. The service plan includes the client's diagnosis and determines the appropriate treatment modality for them going forward. Counseling sessions are documented for treatment and billing purposes in a progress note. Progress notes are a chronological written description of services provided to a client that documents the client's response related to the intervention plan or services provided. Progress notes are maintained by the counseling agency and must include the clinician's name, date of service, and session start and stop time. Payment is rendered from the OHCA to the provider for completed work by way of the claim process. The OHCA maintains a database of all provider claims submitted for payment. The OHCA can summarize a provider's billing history in a provider report.

A provider report listing the billings for the years 2008, 2009, and 2010 for Demson Counseling and Associates, Inc., was obtained by retired Medicaid Fraud Control Unit Investigator Robert Kelson.

On December 5, 2011, your affiant obtained from Justin Etchieson with the OHCA, a provider report list of Medicaid recipients who had co-occurring billings on dates for inpatient hospital visits and billings from Demson Counseling and Associates, Inc. Pilar Plascencia was among the list of Medicaid recipients identified.

On February 6, 2012, your affiant completed a subpoena and personally served it to Mercy Health Center located at 4300 West Memorial Road in Oklahoma City, Oklahoma. The subpoena requested complete medical records for Pilar Plascencia.

On April 2, 2012, your affiant completed a subpoena and personally served it to Donald Mbosowo, owner of Demson Counseling and Associates, Inc., located at 1330 North Classen, Suite #215, Oklahoma City, Oklahoma. The subpoena requested complete copies of client files for Pilar Plascencia and her daughter, A.P. (age 14). The subpoena also requested complete personnel records of all employees of Demson Counseling and Associates, Inc., from January 1, 2008 through June 30, 2010.

According to the Certificate of Incorporation filed with the Oklahoma Secretary of State in the city of Oklahoma City on November 16, 2004, Sylvester Atakpo is listed as a trustee of Demson Counseling and Associates, Inc. According to the Outpatient Behavioral Health Services Provider contract filed with the OHCA on April 26, 2007, Sylvester Atakpo is listed as the President of the Board of Directors of Demson Counseling and Associates, Inc. According to his employee personnel file, Sylvester Atakpo is a Licensed Alcohol and Drug Counselor - Under Supervision (LADC) and he signed The Independent Contractor Agreement with Demson Counseling and Associates, Inc., on February 20, 2009.

On May 6, 2012, your affiant interviewed Sylvester Atakpo at the Oklahoma Attorney General's Office in Oklahoma City, Oklahoma. Sylvester Atakpo began working for Demson Counseling and Associates, Inc., in 2009 as a Licensed Alcohol and Drug Counselor - Under Supervision (LADC). Sylvester Atakpo documented his counseling sessions with clients in a progress note. The progress notes were signed by Sylvester Atakpo and he hand delivered them to the secretary at Demson Counseling and Associates, Inc. The secretary submitted the progress notes for billing by utilizing a secure website maintained by the OHCA. Sylvester Atakpo was paid forty percent (40%) of the total reimbursement that Demson Counseling and Associates, Inc., received from OHCA as a result of his billings.

Your affiant reviewed the billing information provided by OHCA and the medical records provided by Mercy Health Center, and compared it with the progress notes provided by Demson Counseling and Associates, Inc. A spread sheet was prepared based upon the OHCA provider report, the rendering clinician, and the times and days of the week the sessions were provided to Pilar Plascencia and A.P., as recorded and reflected in each individual progress note.

On May 9, 2012, your affiant interviewed Pilar Plascencia at her residence. Pilar Plascencia reviewed two (2) separate spread sheets, one for herself and one for her daughter, A.P. Pilar Plascencia made notations indicating when counseling did not occur by Sylvester Atakpo. On each spread sheet there was a space provided for initials indicating the activity did not occur as documented. At the bottom of each spread sheet was a line for Pilar Plascencia to sign indicating she reviewed the spreadsheet. Pilar Plascencia reviewed the documents and made notations indicating the counseling did not occur and signed each one. Pilar Plascencia denies she ever received any counseling from Sylvester Atakpo. Medical records revealed Pilar Plascencia received medical attention at Mercy Hospital in Oklahoma City on various days in which Sylvester Atakpo submitted progress notes and was reimbursed for claims billed to OHCA for counseling sessions. The Mercy Hospital medical records and Sylvester Atakpo's progress notes for counseling sessions with Pilar Plascencia had co-occurring or overlapping times. Your affiant has determined that Sylvester Atakpo submitted false claims and these services are not compensable as Pilar Plascencia cannot be involved in two or more services at the same time.

Pilar Plascencia stated she only took her daughter, A.P., to the Demson Counseling and Associates, Inc., office location to receive counseling and that Sylvester Atakpo never provided counseling to A.P. at their residence. Pilar Plascencia also denies that Sylvester Atakpo provided counseling to A.P. at her school. Oklahoma City Public School (OCPS) attendance records for A.P. and Sylvester Atakpo's progress notes for counseling with A.P. had co-occurring or overlapping times. Further, Sylvester Atakpo listed in the progress notes the location of the counseling session occurred at her residence when OCPS attendance records for A.P. reveal she was attending school.

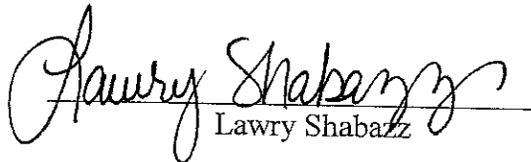
Your affiant has determined that Sylvester Atakpo submitted false claims and these services are not compensable as A.P. could not have been receiving counseling by Sylvester Atakpo at her residence and attending school at the same time.

Your affiant has determined that Sylvester Atakpo caused false claims to be submitted to the OHCA during the time frame of August 19, 2010 through March 8, 2010, for counseling sessions that did not occur with Pilar Plascencia and her daughter, A.P. The amount billed for Behavioral Counseling that did not take place for A.P. is \$5,147.30 and Pilar Plascencia is \$6,121.04, for a total of **\$11,268.34**.

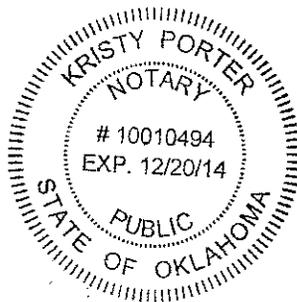
Oklahoma Health Care Authority records were reviewed on June 20, 2012, verifying there were no refunds, voids, or cancelled transactions for the above detailed billings during the time frame reviewed.

I request, upon probable cause, the court issue a warrant for the arrest of Sylvester Edet Atakpo on the charges of Medicaid Fraud as described in Title 56 § 1005(A)(1) for knowingly making, or causing to be made a false claim under the Oklahoma Medicaid Program.

Further, your affiant sayeth not.


Lawry Shabazz

Subscribed and affirmed before me this 23 Day of October
Two Thousand Twelve.




Kristy Porter