

INFORMATION (FELONY)

CF-2013-1792

Bass

FILED IN DISTRICT COURT
OKLAHOMA COUNTY

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

MAR 25 2013

STATE OF OKLAHOMA,)
Plaintiff,)
)
vs.) INFORMATION
)
)
MARY DONALD MBOSOWO,)
Defendant.)

TIM RHODES
COURT CLERK
24

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 25, 2009 through December 21, 2009, in Oklahoma County, Oklahoma, Defendant MARY DONALD MBOSOWO 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 and A.P.

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

Dated this 25th day of March, 2013.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA

BY:


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.

Lawry Shabazz
Investigator
Medicaid Fraud Control Unit

Subscribed and sworn to before me this 25th day of March, 2013.



Wupe Rmean
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

Jacki Millspaugh, Director; Treatment & Recovery; ODMHSAS; P.O. Box 53277; Oklahoma City, OK 73152-3277

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, Mary Mbosowo 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, Mary Mbosowo is listed as the Secretary of the Board of Directors of Demson Counseling and Associates, Inc. According to her employee personnel file, Mary Mbosowo was the Administrative Assistant/Executive Secretary at Demson Counseling and Associates, Inc.

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.

Your affiant interviewed several former employees of Demson Counseling and Associates, Inc., and found that it was common office practice for counselors to document the counseling sessions with clients in a progress note. The progress notes were signed by the counselor and submitted 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. Contract employees were paid a percentage of the total reimbursement that Demson Counseling and Associates, Inc., received from OHCA as a result of his/her billings.

On May 9, 2012, your affiant interviewed Pilar Plascencia at her residence. Your affiant provided two (2) photos to Pilar Plascencia and asked her to identify the two individuals. The two (2) photos were of Donald Mbosowo and Mary Mbosowo. Pilar Plascencia reviewed the photos and stated she did not recognize either of the individuals in the photos. Pilar Plascencia stated that neither of the individuals in the photos provided counseling services for herself nor her daughter, A.P.

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 Mary Mbosowo. 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 Mary Mbosowo. Medical records revealed Pilar Plascencia received medical attention at Mercy Hospital in Oklahoma City on various days in which Mary Mbosowo submitted progress notes and was reimbursed for claims billed to OHCA for counseling sessions. The Mercy Hospital medical records and Mary Mbosowo's progress notes for counseling sessions with Pilar Plascencia had co-occurring or overlapping times. Your affiant has determined that Mary Mbosowo 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 denies she or her daughter, A.P., ever received any counseling from Mary Mbosowo. Pilar Plascencia stated she only took her daughter, A.P., to the Demson Counseling and Associates, Inc., office location to receive counseling by a separate counselor. She denies Mary Mbosowo provided counseling to herself or her daughter, A.P., at their residence. Pilar Plascencia also denies that Mary Mbosowo provided counseling to A.P. at her school. Oklahoma City Public School (OCPS) attendance records for A.P. and Mary Mbosowo's progress notes for

counseling with A.P. had co-occurring or overlapping times. Further, Mary Mbosowo 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 Mary Mbosowo submitted false claims and these services are not compensable as A.P. could not have been receiving counseling by Mary Mbosowo at her residence and attending school at the same time.

Your affiant has determined that Mary Mbosow caused false claims to be submitted to the OHCA during the time frame of August 21, 2009 through December 17, 2009, 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 \$1,551.74 and Pilar Plascencia is \$1,345.20, for a total of **\$2,896.94**.

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.

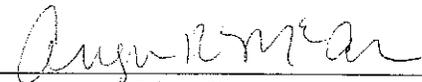
I request, upon probable cause, the court issue a warrant for the arrest of Mary Mbosowo on the charges of Medicaid Fraud as described in Title 56 § 1005(A)(1) for knowingly making, or causing to be made a false claim under the Oklahoma Medicaid Program.

Further, your affiant sayeth not.


Lawry Shabazz

Subscribed and affirmed before me this 25th Day of March
Two Thousand Twelve.




Kristy Porter
