

SIA Stansfield

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

UNITED STATES OF AMERICA

v.

JANICE PATTERSON
TANESHA WASHINGTON
KATERRELL KENNEDY

INDICTMENT

NO.

18 U.S.C. § 2
18 U.S.C. § 982(1)(a)(2)
18 U.S.C. § 982(1)(a)(7)
18 U.S.C. § 1028A(a)(1)
18 U.S.C. § 1028A(c)(5)
18 U.S.C. § 1347
18 U.S.C. § 1349
18 U.S.C. § 1957
21 U.S.C. § 841(a)(1)
21 U.S.C. § 841(b)(1)(E)(i)
21 U.S.C. § 841(b)(2)
21 U.S.C. § 846
21 U.S.C. § 853

The Grand Jury charges:

COUNT 1
(Unlawful Distribution- Conspiracy)

Beginning no later than January 1, 2012, and continuing through on or about August 1, 2014, in the Western District of Kentucky, Jefferson County, Kentucky, and elsewhere, the defendants, **JANICE PATTERSON**, **TANESHA WASHINGTON**, and others, known and unknown to the Grand Jury, conspired to knowingly and intentionally distribute and dispense, and caused to be distributed and dispensed, Schedules III and IV controlled substances.

In violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(E)(i), 841(b)(2), and 846.

The Grand Jury further charges:

COUNT 2
(Health Care Fraud)

Beginning no later than January 1, 2012, and continuing through on or about August 1, 2014, in the Western District of Kentucky, Jefferson County, Kentucky, the defendants, **JANICE PAT,TERSON** and **TANESHA WASHINGTON**, aided and abetted by others, known and unknown to the Grand Jury, knowingly and willfully executed, and attempted to execute, a scheme and artifice to defraud health care benefit programs, in connection with the delivery of, and payment for, health care benefits, items, and services, to wit: **JANICE PATTERSON** and **TANESHA WASHINGTON**, and others, knowingly dispensed and distributed controlled substances, as listed in Count 1 above, knowing the patients would fill their prescriptions at pharmacies, and pharmacies, in turn, would submit claims to health care benefit programs for reimbursement.

In violation of Title 18, United States Code, Sections 1347 and 2.

The Grand Jury further charges:

COUNT 3
(Health Care Fraud- Conspiracy)

From at least on or about and between August 1, 2014, and continuing through at least on or about March 1, 2017, in the Western District of Kentucky, Jefferson County, Kentucky, the defendant, **JANICE PATTERSON**, and others, known and unknown to the Grand Jury, did knowingly and willfully conspire to violate Title 18, United States Code, Section 1347, that is, to knowingly and willfully execute, and attempt to execute, a scheme and artifice to obtain, by means of false or fraudulent pretenses, representations, and promises, money and property, owned by and under the custody or control of health care benefit programs, in connection with

the delivery of, and payment for, health care benefits, items, and services, to wit: **JANICE PATTERSON**, and others, while operating the JM Autism Foundation Trust, falsely and fraudulently billed Anthem, Inc. for autism services never performed.

In violation of Title 18, United States Code, Section 1349.

The Grand Jury further charges:

COUNTS 4-14
(Health Care Fraud)

On or about the dates listed below, in the Western District of Kentucky, Jefferson County, Kentucky, and elsewhere, the defendant, **JANICE PATTERSON**, aided and abetted by others, known and unknown to the Grand Jury, knowingly and willfully executed, and attempted to execute, a scheme and artifice to obtain, by means of false or fraudulent pretenses, representations, and promises, money and property owned by and under the custody or control of health care benefit programs, in connection with the delivery of and payment for health care benefits, items, and services, to wit: **JANICE PATTERSON** falsely and fraudulently billed Anthem, Inc. for autism services never performed for the listed patients:

Counts	Dates	Patient	Provider	CPT codes Billed
4	January 30, 2017	I.P.	Dr. B.B.	0365T
5	January 12, 2017	J.P.	Dr. B.B.	0364T & 0365T
6	October 13, 2014	S.H.	C.B.	H2019 & H0032
7	September 14, 2015	J.P.	Dr. L.E.	0364T & 0365T
8	August 4, 2015	I.P.	Dr. L.E.	0364T & 0365T
9	September 14, 2015	J.P.	Dr. L.E.	0364T & 0365T
10	November 12, 2015	J.P.	Dr. L.E.	0364T & 0356T

11	April 7, 2015	L.S.	L.F.	0364T & 0365T
12	July 4, 2015	I.P.	L.F.	0359T, 0360T, & 0361T
13	January 2, 2017	I.P.	J.W.	0364T & 0365T
14	January 6, 2017	I.P.	J.W.	0364T & 0365T

In violation of Title 18, United States Code, Sections 1347 and 2.

The Grand Jury further charges:

COUNT 15
(Health Care Fraud- Conspiracy)

On or about and between January 1, 2017, and continuing through on or about June 1, 2017, in the Western District of Kentucky, Jefferson County, Kentucky, the defendants, **JANICE PATTERSON, KATERRELL KENNEDY** and others, known and unknown to the Grand Jury, conspired to violate Title 18, United States Code, Section 1347, that is, to knowingly and willfully execute, and attempt to execute, a scheme and artifice to obtain, by means of false or fraudulent pretenses, representations, and promises, money and property owned by and under the custody and control of health care benefit programs, in connection with the delivery of, and payment for, health care benefits, items, and services, to wit: **JANICE PATTERSON, KATERRELL KENNEDY** and others, while operating Total Spectrum Autism Services, LLC, falsely and fraudulently billed Anthem, Inc. for autism services never performed.

In violation of Title 18, United States Code, Section 1349.

The Grand Jury further charges:

COUNTS 16-18
(Health Care Fraud)

On or about and between April 18, 2017 and April 24, 2017 listed below, in the Western District of Kentucky, Jefferson County, Kentucky, and elsewhere, the defendants, **JANICE PATTERSON** and **KATERRELL KENNEDY**, aided and abetted by others, known and unknown to the Grand Jury, knowingly and willfully executed, and attempted to execute, a scheme and artifice to obtain, by means of false or fraudulent pretenses, representations, and promises, money and property owned by and under the custody and control of health care benefit programs, in connection with the delivery of and payment for health care benefits, items, and services, to wit: **JANICE PATTERSON** and **KATERRELL KENNEDY** and others falsely and fraudulently billed Anthem, Inc. for autism services never performed for the listed patients:

Counts	Dates	Patient	Provider	CPT Codes Billed
16	April 18, 2017	A.Y.	Dr. B.B.	0365T & 0366T
17	April 20, 2017	J.P.	Dr. B.B.	0364T, 0365T & 0372T
18	April 24, 2017	E.W.	Dr. B.B.	0365T, 0366T & 0367T

In violation of Title 18, United States Code, Sections 1347 and 2.

The Grand Jury further charges:

COUNTS 19-26
(Money Laundering)

On or about and between May 27, 2016 and November 29, 2016, in the Western District of Kentucky, Jefferson County, Kentucky and elsewhere, the defendant, **JANICE PATTERSON**, aided and abetted by others, known and unknown to the Grand Jury, knowingly engaged and attempted to engage in monetary transactions in criminally derived property greater

than \$10,000 when **JANICE PATTERSON** and others transferred monies derived from specified unlawful activity, that is the health care fraud alleged in Counts 3 through 14, as described below:

Count	Transaction Date	Source Account	Type	Amount	Destination Account / Payee	Description
19	5/27/2016	JMA RB Account *4986	ACH Transfer	\$16,000.00	JMA RB Account *6253	Transfer of Funds
20	6/29/2016	JMA RB Account *4986	ACH Transfer	\$18,000.00	JMA RB Account *6253	Transfer of Funds
21	7/29/2016	JMA RB Account *4986	ACH Transfer	\$20,634.00	JMA RB Account *6253	Transfer of Funds
22	8/25/2016	JMA RB Account *4986	ACH Transfer	\$15,000.00	JMA RB Account *6253	Transfer of Funds
23	9/26/2016	JMA RB Account *4986	ACH Transfer	\$23,000.00	JMA RB Account *6253	Transfer of Funds
24	10/28/2016	JMA RB Account *4986	ACH Transfer	\$24,000.00	JMA RB Account *6253	Transfer of Funds
25	11/29/2016	JMA RB Account *4986	ACH Transfer	\$25,000.00	JMA RB Account *6253	Transfer of Funds
26	11/29/2016	JMA RB Account *4986	Official Check	\$33,697.20	Richard Cloud	Delayed Down Payment for 215 Old Corydon Ridge Rd

In violation of Title 18, United States Code, Sections 1957 and 2.

The Grand Jury further charges:

COUNTS 27-29
(Aggravated Identity Theft)

On or about and between September 14, 2014 and April 16, 2015, in the Western District of Kentucky, Jefferson County, Kentucky, the defendant, **JANICE PATTERSON**, aided and abetted by others, known and unknown to the Grand Jury, knowingly possessed, transferred, and used the means of identification of another person without lawful authority: to wit, during and in

relation to the offenses charged in Counts 6 and 11 – 14, **JANICE PATTERSON** possessed, transferred, and used the means of identification of the providers listed below, among others, to create accounts and fraudulently bill for services:

Counts	Date CAQH Created	Provider	Related Counts
27	September 4, 2014	C.B.	6
28	September 3, 2015	L.F.	11 and 12
29	April 16, 2015	J.W.	13 and 14

In violation of Title 18, United States Code, Sections 1028A(a)(1) and (c)(5) and 2.

NOTICE OF FORFEITURE

1. The Grand Jury realleges counts 1-29 of this Indictment, as set forth above, and incorporates the counts, by reference, as if the same were fully set forth herein.

2. As a result of committing violations of Title 21, United States Code, Sections 841 and 846, and Title 18, United States Code, Sections 1028A, 1347, 1349 and 1957, as alleged in this Indictment, the defendants, **JANICE PATTERSON**, **TANESHA WASHINGTON**, and **KATERRELL KENNEDY**, shall forfeit to the United States, any and all property constituting, or derived from proceeds defendants obtained, directly or indirectly, as a result of the offenses alleged in this Indictment, and any property which facilitated or was involved in such offenses, including but not limited to:

a. Money Judgment for the proceeds of these offenses; and

3. If any of the above-described forfeitable property, as a result of any act or omission of the defendants,

a. cannot be located upon the exercise of due diligence;

- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the above-described forfeitable property.

Pursuant to Title 18, United States Code, Sections 982(a)(1) and (7), and Title 21, United States Code, Section 853.

A TRUE BILL.

FOREPERSON

JOHN E. KUHN, JR.
UNITED STATES ATTORNEY

JEK:LJW:JRA:20170627

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PENALTIES

Counts 1-26: NM 10 yrs./\$250,000/both/NM 3 yrs. Supervised Release (each count)
Counts 27-29: NL 2 yrs. consecutive (each count)
Forfeiture

NOTICE

ANY PERSON CONVICTED OF AN OFFENSE AGAINST THE UNITED STATES SHALL BE SUBJECT TO SPECIAL ASSESSMENTS, FINES, RESTITUTION & COSTS.

SPECIAL ASSESSMENTS

18 U.S.C. § 3013 requires that a special assessment shall be imposed for each count of a conviction of offenses committed after November 11, 1984, as follows:

Misdemeanor:	\$ 25 per count/individual	Felony:	\$100 per count/individual
	\$125 per count/other		\$400 per count/other

FINES

In addition to any of the above assessments, you may also be sentenced to pay a fine. Such fine is due immediately unless the court issues an order requiring payment by a date certain or sets out an installment schedule. You shall provide the United States Attorney's Office with a current mailing address for the entire period that any part of the fine remains unpaid, or you may be held in contempt of court. 18 U.S.C. § 3571, 3572, 3611, 3612

Failure to pay fine as ordered may subject you to the following:

1. **INTEREST** and **PENALTIES** as applicable by law according to last date of offense.

For offenses occurring after December 12, 1987:

No **INTEREST** will accrue on fines under \$2,500.00.

INTEREST will accrue according to the Federal Civil Post-Judgment Interest Rate in effect at the time of sentencing. This rate changes monthly. Interest accrues from the first business day following the two week period after the date a fine is imposed.

PENALTIES of:

10% of fine balance if payment more than 30 days late.

15% of fine balance if payment more than 90 days late.

2. Recordation of a **LIEN** shall have the same force and effect as a tax lien.
3. Continuous **GARNISHMENT** may apply until your fine is paid.

18 U.S.C. §§ 3612, 3613

If you **WILLFULLY** refuse to pay your fine, you shall be subject to an **ADDITIONAL FINE** of not more than the greater of \$10,000 or twice the unpaid balance of the fine; or **IMPRISONMENT** for not more than 1 year or both. 18 U.S.C. § 3615

RESTITUTION

If you are convicted of an offense under Title 18, U.S.C., or under certain air piracy offenses, you may also be ordered to make restitution to any victim of the offense, in addition to, or in lieu of any other penalty authorized by law. 18 U.S.C. § 3663

APPEAL

If you appeal your conviction and the sentence to pay your fine is stayed pending appeal, the court shall require:

1. That you deposit the entire fine amount (or the amount due under an installment schedule during the time of your appeal) in an escrow account with the U.S. District Court Clerk, or
2. Give bond for payment thereof.

18 U.S.C. § 3572(g)

PAYMENTS

If you are ordered to make payments to the U.S. District Court Clerk's Office, certified checks or money orders should be made payable to the Clerk, U.S. District Court and delivered to the appropriate division office listed below:

LOUISVILLE: Clerk, U.S. District Court
106 Gene Snyder U.S. Courthouse
601 West Broadway
Louisville, KY 40202
502/625-3500

BOWLING GREEN: Clerk, U.S. District Court
120 Federal Building
241 East Main Street
Bowling Green, KY 42101
270/393-2500

OWENSBORO: Clerk, U.S. District Court
126 Federal Building
423 Frederica
Owensboro, KY 42301
270/689-4400

PADUCAH: Clerk, U.S. District Court
127 Federal Building
501 Broadway
Paducah, KY 42001
270/415-6400

If the court finds that you have the present ability to pay, an order may direct imprisonment until payment is made.