FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LA
2022 JUN 21 P 4:48
CAROL L. MICHEL
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

FELONY

BILL OF INFORMATION FOR
HEALTH CARE FRAUD

22-00123

UNITED STATES OF AMERICA	*	**CRIMINAL NO.**
v.	*	**SECTION:** SECT. R MAG. 2
ERIKA JAMES	*	**VIOLATION: 18 U.S.C. § 1347**
	*	

* * *

The United States Attorney charges that:

COUNT 1

A. AT ALL TIMES MATERIAL HEREIN:

1. The Louisiana Department of Health Office of Public Health STD/HIV/Hepatitis Program ("LDH OPH SHHP") is the Health Resources and Services Administration ("HRSA") Ryan White Part B Program grantee for Louisiana.

2. Crescent Care ("CC") is a Federally Qualified Health Center ("FQHC") and AIDS Service Organization ("ASO") that provides HIV medical care, and other health care as well as social services in the New Orleans area.

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3. CC participates in the Louisiana Health Access Program ("LAHAP"). LAHAP receives federal funding. Within LAHAP, the Louisiana Ryan White Part B Health Insurance Program ("HIP") serves as a provider of medical care and social services for HIV positive individuals. HIP privately contracts with HIV Alliance for Region 2 ("HAART") to collect and process claims.

4. HIP is a health care benefit program as defined by Title 18 U.S.C. § 24(b), and, as a health care benefit program, HIP affects commerce.

5. CC is also eligible to receive money from patients from Open Health Care Clinic, which also uses HAART to process claims made to HIP.

6. Defendant **ERIKA JAMES** ("**JAMES**"), of New Orleans, Louisiana, was a Denial Specialist in CC's Billing Department from April 2017 to April 2021.

7. **JAMES** was responsible for both submitting claims to HIP via HAART, and for receiving and accounting for claims checks received from HAART on behalf of HIP.

B. THE SCHEME AND ARTIFICE TO DEFRAUD:

8. It was part of the scheme and artifice to defraud that **JAMES** unlawfully enriched herself by, among other things: (a) submitting and causing the submission of false and fraudulent claims to HIP via HAART; (b) concealing the submission of false and fraudulent claims to HIP via HAART; (c) diverting proceeds of the fraud for personal use and benefit; and (d) depositing, withdrawing, and transferring the proceeds of the fraud into her bank for personal use and benefit.

9. It was further part of the scheme and artifice to defraud that **JAMES** created fraudulent invoices with falsified supporting documents, such as explanation of benefits ("EOB") documents from insurance companies, for actual HIP clients.

10. It was further part of the scheme and artifice to defraud that **JAMES** endorsed checks that were issued to patients that were in higher amounts than the usual range of the refund amount.

11. It was further part of the scheme and artifice to defraud that **JAMES** made false claims in the system that made it appear that patients came into CC and paid out of pocket for services. As a result, HIP issued reimbursements to CC, making the patient eligible to receive a refund check. **JAMES** would then have the Finance Department issue the patient refund check, and **JAMES** would then deposit the refund check into her personal bank account.

12. It was further part of the scheme and artifice to defraud that **JAMES** filed additional false claims with LAHAP to receive supplemental insurance payments to cover patient expenses that are not covered by insurance. **JAMES** would fill out a claim form and use high paying service codes, some services of which are not offered at CC, and submit the claim form to LAHAP for reimbursement. The claim forms were sent from **JAMES's** CC email account.

13. It was further part of the scheme and artifice to defraud that **JAMES** emailed LAHAP in December in 2020 and told LAHAP to mail the checks to her residence. The checks that were sent from LAHAP to **JAMES's** residence were made out to CC. **JAMES** then proceeded to deposit those checks into her personal bank account.

14. It was further part of the scheme and artifice to defraud that **JAMES**, acting in her capacity as a CC billing employee responsible for both submitting claims to HAART/HIP and for receiving and accounting for claims checks received from HAART/HIP, deposited 38 checks produced by HAART based on claims received from CC totaling approximately $29,491.

D. THE OFFENSE:

On or about January 18, 2021, within the Eastern District of Louisiana and elsewhere, the defendant, **ERIKA JAMES**, knowingly and willfully executed the scheme to defraud a health care benefit program in connection with the payment for health care services, to wit: **JAMES** transmitted a claim for services that had not been performed, and subsequently received a reimbursement check made out to the patient totaling $729.47, which she deposited in her personal bank account.

All in violation of Title 18, United States Code, Sections 1347.

NOTICE OF FORFEITURE

1. The allegations of Count 1 of this Bill of Information are incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States.

2. As a result of the offense alleged in Count 1, the defendant, **ERIKA JAMES**, shall forfeit to the United States pursuant to Title 18, United States Code, Section 982(a)(7), any property, real or personal, involved in said offense, which constitutes or is derived from proceeds traceable to such offense.

3. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold to, or deposited with, a third person;

(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 subdivided without difficulty;

the United States shall seek a money judgment and, pursuant to Title 21, United States Code, Section 853(p), forfeiture of any other property of the defendant up to the value of said property.

DUANE A. EVANS
UNITED STATES ATTORNEY

J. RYAN McLAREN
Assistant United States Attorney

New Orleans, Louisiana
June 21, 2022

Case 2:22-cr-00123-SSV-DPC Document 1 Filed 06/21/22 Page 6 of 6

No. _____

United States District Court

FOR THE

EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA

vs.

ERIKA JAMES

BILL OF INFORMATION FOR
HEALTH CARE FRAUD

Violation(s):

18 U.S.C. § 1347

Filed _____, *20* 22

_____, *Clerk.*

By _____, *Deputy*

_____

Assistant United States Attorney
J. RYAN McLAREN