

COMMONWEALTH OF PENNSYLVANIA
 COUNTY OF: BERKS
 Magisterial District Number: 23-3-02
 MDJ: Hon. Gloria Stitzel
 Address: 100 Schaeffer Street, Suite 2
 Boyertown, PA 19512
 Telephone: (610) 367-2357



POLICE CRIMINAL COMPLAINT
COMMONWEALTH OF PENNSYLVANIA
VS.

DEFENDANT: (NAME and ADDRESS):
 A PART OF OUR FAMILY HOME CARE AGENCY LLC
 First Name Middle Name Last Name Gen.
 20 NORTH FRONT STREET, BALLY, PA 19053

NCIC Extradition Code Type

<input checked="" type="checkbox"/> 1-Felony Full	<input type="checkbox"/> 5-Felony Pend.	<input type="checkbox"/> C-Misdemeanor Surrounding States	<input type="checkbox"/> Distance: _____
<input type="checkbox"/> 2-Felony Ltd.	<input type="checkbox"/> 6-Felony Pend. Extradition Determ.	<input type="checkbox"/> D-Misdemeanor No Extradition	
<input type="checkbox"/> 3-Felony Surrounding States	<input type="checkbox"/> A-Misdemeanor Full	<input type="checkbox"/> E-Misdemeanor Pending	
<input type="checkbox"/> 4-Felony No Ext.	<input type="checkbox"/> B-Misdemeanor Limited	<input type="checkbox"/> F-Misdemeanor Pending Extradition Determ.	

DEFENDANT IDENTIFICATION INFORMATION

Docket Number CK 55-23	Date Filed 4/11/23	OTN/LiveScan Number	Complaint Number MF1200254-150	Incident Number	Request Lab Services? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
GENDER <input type="checkbox"/> Male <input type="checkbox"/> Female	DOB 1/1	POB	Add'l DOB / /	Co-Defendant(s) <input checked="" type="checkbox"/> Gen.	
First Name		Middle Name		Last Name	
AKA					
RACE <input type="checkbox"/> White <input type="checkbox"/> Asian <input checked="" type="checkbox"/> Black <input type="checkbox"/> Native American <input type="checkbox"/> Unknown	ETHNICITY <input type="checkbox"/> Hispanic <input type="checkbox"/> Non-Hispanic <input type="checkbox"/> Unknown				
HAIR COLOR <input type="checkbox"/> GRY (Gray) <input type="checkbox"/> RED (Red/Aubn.) <input type="checkbox"/> SDY (Sandy) <input type="checkbox"/> BLU (Blue) <input type="checkbox"/> PLE (Purple) <input type="checkbox"/> BRO (Brown) <input type="checkbox"/> BLK (Black) <input type="checkbox"/> ONG (Orange) <input type="checkbox"/> WHI (White) <input type="checkbox"/> XXX (Unk./Bald) <input type="checkbox"/> GRN (Green) <input type="checkbox"/> PNK (Pink) <input type="checkbox"/> BLN (Blonde / Strawberry)					
EYE COLOR <input type="checkbox"/> BLK (Black) <input type="checkbox"/> BLU (Blue) <input checked="" type="checkbox"/> BRO (Brown) <input type="checkbox"/> GRN (Green) <input type="checkbox"/> GRY (Gray) <input type="checkbox"/> HAZ (Hazel) <input type="checkbox"/> MAR (Maroon) <input type="checkbox"/> PNK (Pink) <input type="checkbox"/> MUL (Multicolored) <input type="checkbox"/> XXX (Unknown)					
DNA <input type="checkbox"/> YES <input type="checkbox"/> NO	DNA Location			WEIGHT (lbs.)	
FBI Number	MNU Number				
Defendant Fingerprinted <input type="checkbox"/> YES <input type="checkbox"/> NO					Ft. HEIGHT in.
Fingerprint Classification:					

DEFENDANT VEHICLE INFORMATION

Plate #	State	Hazmat <input type="checkbox"/>	Registration Sticker (MM/YY)	Comm'l Veh. Ind. <input type="checkbox"/>	School Veh. <input type="checkbox"/>	Oth. NCIC Veh. Code	Reg. same as Def. <input type="checkbox"/>
VIN	Year	Make	Model	Style	Color		

Office of the attorney for the Commonwealth Approved Disapproved because: _____

(The attorney for the Commonwealth may require that the complaint, arrest warrant affidavit, or both be approved by the attorney for the Commonwealth prior to filing. See Pa.R.Crim.P. 507).

SDAG ERIC STRYD (Name of the attorney for the Commonwealth)
 [Signature] (Signature of the attorney for the Commonwealth)
 4/13/2023 (Date)

I, NICOLE TOMLINSON (Name of the Affiant) BADGE 576 (PSP/MPOETC -Assigned Affiant ID Number & Badge #)
 of PENNSYLVANIA OFFICE OF ATTORNEY GENERAL (Identify Department or Agency Represented and Political Subdivision) PA00222400 (Police Agency ORI Number)
 do hereby state: (check appropriate box)
 1. I accuse the above named defendant who lives at the address set forth above
 I accuse the defendant whose name is unknown to me but who is described as _____
 I accuse the defendant whose name and popular designation or nickname are unknown to me and whom I have therefore designated as John Doe or Jane Doe
 with violating the penal laws of the Commonwealth of Pennsylvania at [401] (Subdivision Code) 20 N. Front Street, Bally, PA 19503 (Place-Political Subdivision)
 in BERKS County [06] (County Code) on or about January 11, 2020 through April 29, 2022 (Offense Date)



POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed: / /	OTN/LiveScan Number	Complaint Number MFI200254-150	Incident Number
Defendant Name	First: A PART OF OUR FAMILY	Middle:	Last: HOME CARE AGENCY LLC	

The acts committed by the accused are described below with each Act of Assembly or statute allegedly violated, if appropriate. When there is more than one offense, each offense should be numbered chronologically.
 (Set forth a *brief* summary of the facts sufficient to advise the defendant of the nature of the offense(s) charged. A citation to the statute(s) allegedly violated, without more, is not sufficient. In a summary case, you must cite the specific section(s) and subsection(s) of the statute(s) or ordinance(s) allegedly violated.)

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older _____
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<input checked="" type="checkbox"/>	1	1407	A(1)	of the	62. P.S.	1	F-3	2699	
Lead?	Offense#	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code

PennDOT Data (if applicable)	Accident Number	<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
-------------------------------------	-----------------	-------------------------------------	--------------------------------------	------------------------------------

Statute Description (include the name of statute or ordinance):
 MEDICAID FRAUD - 1 CONT. COUNT. KNOWINGLY OR INTENTIONALLY PRESENT FOR ALLOWANCE OR PAYMENT ANY FALSE/FRAUDULENT CLAIM FOR FURNISHING OF SERVICES UNDER MA.

Acts of the accused associated with this Offense:
 SEE AFFIDAVIT OF PROBABLE CAUSE.

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older _____
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<input type="checkbox"/>	2	1407	A(4)	of the	62. P.S.	1	F-3	2699	
Lead?	Offense#	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code

PennDOT Data (if applicable)	Accident Number	<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (include the name of statute or ordinance):
 MEDICAID FRAUD - 1 CONTINUOUS COUNT. SUBMIT A CLAIM FOR SERVICES, SUPPLIES, OR EQUIPMENT NOT RENDERED TO A RECIPIENT

Acts of the accused associated with this Offense:
 SEE AFFIDAVIT OF PROBABLE CAUSE.

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older _____
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<input type="checkbox"/>	3	1407	A(7)	of the	62. P.S.	1	F-3	2699	
Lead?	Offense#	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code

PennDOT Data (if applicable)	Accident Number	<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (include the name of statute or ordinance):
 MEDICAID FRAUD - 1 CONTINUOUS COUNT. SUBMIT A CLAIM WHICH MISREPRESENTS THE DESCRIPTION OF SERVICES

Acts of the accused associated with this Offense:
 SEE AFFIDAVIT OF PROBABLE CAUSE.



POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed: / /	OTN/LiveScan Number	Complaint Number MFI200254-150	Incident Number
Defendant Name	First: A PART OF OUR FAMILY	Middle:	Last: HOME CARE AGENCY LLC	

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 (Set forth a *brief* summary of the facts sufficient to advise the defendant of the nature of the offense(s) charged. A citation to the statute(s) allegedly violated, without more, is not sufficient. In a summary case, you must cite the specific section(s) and subsection(s) of the statute(s) or ordinance(s) allegedly violated.)

<input type="checkbox"/> Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older _____					
<input type="checkbox"/>	4	1407	A(9)	of the	62 P.S.	1	F-3	2699	
Lead?	Offense#	Section	Subsection	PA Statute (Title)		Counts	Grade	NCIC Offense Code	UCR/NIBRS Code
PennDOT Data (if applicable)	Accident Number					<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone	
Statute Description (include the name of statute or ordinance): MEDICAID FRAUD- 1 CONTINUOUS COUNT. SUBMIT A CLAIM FOR SERVICES NOT RENDERED BY THE PROVIDER									
Acts of the accused associated with this Offense: SEE AFFIDAVIT OF PROBABLE CAUSE.									

<input type="checkbox"/> Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older _____					
<input type="checkbox"/>	5	3922	A(1)	of the	18 PA C.S.A.	1	F-3	2399	
Lead?	Offense#	Section	Subsection	PA Statute (Title)		Counts	Grade	NCIC Offense Code	UCR/NIBRS Code
PennDOT Data (if applicable)	Accident Number					<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone	
Statute Description (include the name of statute or ordinance): THEFT BY DECEPTION- 1 CONTINUOUS COUNT. INTENTIONALLY OBTAINS PROPERTY OF ANOTHER BY DECEPTION BY CREATING OR ENFORCING A FALSE IMPRESSION									
Acts of the accused associated with this Offense: SEE AFFIDAVIT OF PROBABLE CAUSE.									

<input type="checkbox"/> Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older _____					
<input type="checkbox"/>	6	4911	A(1)	of the	18 PA C.S.A.	3	F-3	2699	
Lead?	Offense#	Section	Subsection	PA Statute (Title)		Counts	Grade	NCIC Offense Code	UCR/NIBRS Code
PennDOT Data (if applicable)	Accident Number					<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone	
Statute Description (include the name of statute or ordinance): TAMPERING WITH PUBLIC RECORDS - 3 COUNTS. KNOWINGLY MAKE A FALSE ENTRY IN, OF ANY RECORD, DOCUMENT OR THING BELONGING TO, RECEIVED BY, OR KEPT BY, THE GOVT.									
Acts of the accused associated with this Offense: SEE AFFIDAVIT OF PROBABLE CAUSE.									



POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed: / /	OTN/LiveScan Number	Complaint Number MFI200254-150	Incident Number
Defendant Name	First: A PART OF OUR FAMILY	Middle:	Last: HOME CARE AGENCY LLC	

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Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older _____
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<input type="checkbox"/>	7	4911	A(2)	of the	18 PA C.S.A.	3	F-3	2699	
Lead?	Offense#	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code

PennDOT Data (if applicable)	Accident Number	<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (include the name of statute or ordinance):
 TAMPERING WITH PUBLIC RECORDS - 3 COUNTS. KNOWINGLY MAKE A FALSE ENTRY IN, OF ANY RECORD, DOCUMENT OR THING BELONGING TO, RECEIVED BY, OR KEPT BY, THE GOV'T.

Acts of the accused associated with this Offense:
 SEE AFFIDAVIT OF PROBABLE CAUSE.

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older _____
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<input type="checkbox"/>				of the					
Lead?	Offense#	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code

PennDOT Data (if applicable)	Accident Number	<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (include the name of statute or ordinance):

Acts of the accused associated with this Offense:

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older _____
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<input type="checkbox"/>				of the					
Lead?	Offense#	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code

PennDOT Data (if applicable)	Accident Number	<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (include the name of statute or ordinance):

Acts of the accused associated with this Offense:

POLICE CRIMINAL COMPLAINT

Pet Number:	Date Filed: / /	OTN/LiveScan Number	Complaint Number MFI200254-150	Incident Number
Defendant Name	First: A PART OF OUR FAMILY	Middle:	Last: HOME CARE AGENCY LLC	

ask that a warrant of arrest or a summons be issued and that the defendant be required to answer the charges I have made.

I certify that the facts set forth in this complaint are true and correct to the best of my knowledge or information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 Pa.C.S. § 4904) relating to sworn falsification to authorities.

This complaint consists of the preceding page(s) numbered 1 through 1.

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

The acts committed by the accused, as listed and hereafter, were against the peace and dignity of the Commonwealth of Pennsylvania and were contrary to the Act(s) of the Assembly, or in violation of the statutes cited. (If a warrant of arrest can be issued, an affidavit of probable cause must be completed, sworn to before the issuing authority, and attached.)

April 4th _____ 2023
(Year)

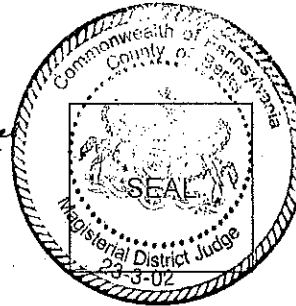
Michelle Spada
(Signature of Affiant)

NOW, on this date April 4, 2023 I certify that the complaint has been properly completed and verified.

An affidavit of probable cause must be completed before a warrant can be issued.

23-3-02
(Magisterial District Court Number)

Sr. M.D. George W. Stutz
(Issuing Authority)





POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed: / /	OTN/LiveScan Number	Complaint Number MFI200254-150	Incident Number
Defendant Name	First: A PART OF OUR FAMIL	Middle: Middle	Last: HOME CARE AGENCY LLC	

AFFIDAVIT of PROBABLE CAUSE

Nicole Tomlinson, Special Agent, Badge #576, Office of Attorney General, Bureau of Criminal Investigations assigned to the Medicaid Fraud Control Section, being duly sworn and according to law, deposes and says:

Your Affiant is empowered by law to conduct investigations of and to make arrests for offenses involving, among other things, violations of the Medicaid Fraud Control Act and the Pennsylvania Crimes Code.

On January 13, 2023, the 47th Statewide Investigating Grand Jury issued Presentment No. 21 recommending the arrest of A Part of Our Family Home Care Agency LLC for violations of the Medicaid Fraud Control Act and the Pennsylvania Crimes Code. The aforementioned Presentment was accepted by the Honorable Lillian Harris Ransom, Supervising Judge of the 47th Statewide Investigating Grand Jury by order dated January 18, 2023. A copy of the Presentment and the Order accepting the Presentment are attached hereto and incorporated herein by reference.

Having read and reviewed the Presentment, and after having participated in this investigation and considering all the facts and circumstances, your Affiant is adopting the presentment and incorporating it into this Affidavit of Probable Cause. Your Affiant avers that the testimony of the individuals who appeared before the 47th Statewide Investigating Grand Jury is consistent with the information contained within Presentment No. 21 and the information developed within the course of the investigation specified herein. Furthermore, Presentment No. 21 shows on its face that it is based upon evidence which the 47th Statewide Investigating Grand Jury reviewed and evaluated which included sworn testimony of witnesses appearing and physical evidence presented to it. Your Affiant has reviewed the evidence presented before the 47th Statewide Investigating Grand Jury and finds that it comports with the findings of the general investigation.

I, NICOLE TOMLINSON, BEING DULY SWORN ACCORDING TO THE LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE FOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

I CERTIFY THAT THIS FILING COMPLIES WITH THE PROVISIONS OF THE CASE RECORDS PUBLIC ACCESS POLICY OF THE UNIFIED JUDICIAL SYSTEM OF PENNSYLVANIA THAT REQUIRE FILING CONFIDENTIAL INFORMATION AND DOCUMENTS DIFFERENTLY THAN NON-CONFIDENTIAL INFORMATION AND DOCUMENTS.

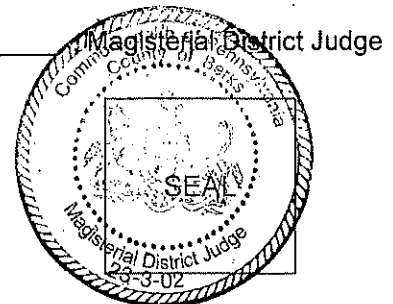
Nicole Tomlinson

 (Signature of Affiant)

Sworn to me and subscribed before me this 4th day of April 2023

Sgt. M.M.J. Shouk W. Shtzel

My commission expires first Monday of January,



INTRODUCTION

We, the members of the Forty-Seventh Statewide Investigating Grand Jury, having received and reviewed evidence pertaining to violations of the Public Welfare Code and the Pennsylvania Crimes Code occurring in Berks County, Pennsylvania pursuant to Notice of Submission of Investigation No. 20, do hereby make the following findings of fact and recommendation of charges:

FINDINGS OF FACT

The Grand Jury conducted an investigation into allegations that Medicaid Fraud, Theft by Deception and related offenses were committed in connection with the operation of A Part of Our Family Home Care Agency (Part of Our Family). Part of Our Family is an agency tasked with providing personal assistance services to certain Medical Assistance (MA) recipients and is located in Bally, Berks County.¹ It was determined that between January 11, 2020 and April 29, 2022, Part of Our Family billed for providing 112,283.79 hours of personal assistance services to MA recipients, while only paying the workers providing those services for a total of 86,396.14 hours. This difference in hours resulted in Part of Our Family netting a profit of approximately \$488,349.96 for services that were never provided.

BACKGROUND

According to the Pennsylvania Department of Human Services, Gavin Mata submitted a Provider Enrollment Application on August 8, 2019 as the sole owner and President of Part of Our Family. Once approved as a provider, Mata began billing for personal assistance services that his employees allegedly provided to MA recipients. Approximately one year later, the Pennsylvania Office of Attorney General (OAG) Medicaid Fraud Control Section received a referral questioning

¹ According to Pennsylvania Department of State records, Part of Our Family is a limited liability company and originally filed for a business license on April 3, 2018.

Part of Our Family's billing practices. The referral was submitted by PA Health and Wellness, a managed care organization that is contracted with the Commonwealth of Pennsylvania to establish a network of providers to administer physical health benefits to MA recipients. Specifically, it was reported that there were complaints that Part of Our Family billed for services that were not provided to two MA recipients: ES and EM. PA Health and Wellness discovered that all shifts worked for ES and EM had been manually entered into HHAeXchange, an Electronic Visit Verification (EVV) vendor used by Part of Our Family. Through HHAeXchange, as well as other EVV vendors, personal assistance workers are able to clock-in and clock-out and then get paid by their employer. Because the shifts for services allegedly provided to ES and EM were all entered by administrative staff of Part of Our Family and not directly by the workers themselves, PA Health and Wellness requested time sheets or other evidence substantiating that the billed hours were, in fact, provided to the MA recipients. In response, Part of Our Family provided computer-generated time sheets that contained only a "manager's signature." The time sheets did not include the MA recipient's signature or worker's signature verifying that the services had been provided as documented. Due to the assertions made by or on behalf of ES and EM, and the lack of records substantiating the services provided to them, it was determined that Part of Our Family was paid a total of \$8,615.28 for services that were never provided to these two recipients.²

MA recipients are eligible to receive personal assistance services if they qualify for the Community Health Choices Waiver Program, a program which allows those who require nursing facility level of care to live in the community and be as independent as possible. Personal assistance workers provide help to MA recipients with activities of daily living, such as bathing and dressing, and other tasks such as meal preparation and completion of laundry. MA recipients

² Part of Our Family submitted claims and received \$4,442.16 for services allegedly provided to ES and \$4,173.12 for services allegedly provided to EM.

on this waiver program are required to select a managed care organization to administer their MA benefits and are at liberty to choose any MA-approved personal assistance services agency. As services are provided, the selected agency submits claims to the MA recipients' managed care organization which then reviews the claims and issue payments to the agencies.

Pursuant to the Pennsylvania Administrative Code, all MA providers "shall complete and maintain documentation on service delivery." 55 Pa. Code § 52.15 (a)(2). Prior to 2020, most agencies providing personal assistance services required their workers to document provision of services through weekly paper or electronic time sheets, reflecting each date worked and the start and end times for each shift. Generally, the time sheets also included a signature from the worker and/or MA recipient verifying the hours worked. These time sheets were then submitted to the personal assistance services agency and used as the basis to bill the MA program or managed care organization.³ After January 1, 2020, however, federal regulations changed this requirement. The new regulation required MA vendors to utilize an EVV system for documenting all personal assistance services provided to MA recipients. This replaced the use of paper time sheets, as EVV systems allow personal assistance workers to electronically record their hours. This is usually done via mobile application or through a telephone call-in system and each MA provider can choose its vendor.

Although Pennsylvania received an extension until 2021 for mandatory implementation of using EVV systems, many agencies began using these systems in 2020, or even earlier. Part of Our Family was one of these agencies and chose HHAeXchange as its vendor. HHAeXchange allows both personal assistance workers and administrative staff to log hours that are ultimately billed to the appropriate managed care organization. Accordingly, if a personal assistance worker

³ Managed care organizations assumed oversight of the payment of MA funds for personal care services on January 1, 2019. Prior to this date, agencies billed MA directly.

makes an inaccurate entry or neglects to make an entry, the administrative staff within the agency can adjust or manually enter the hours for payment. Whenever this manual administrative entry occurs, however, the worker must document his/her hours in a time sheet as proof that the hours submitted were accurate.

PART OF OUR FAMILY RECORDS

During the course of the Grand Jury's investigation, subpoenas were served on Part of Our Family, directing the agency to provide MA recipient files, along with time sheets, payroll information and related documents. The Grand Jury found that the records produced contained only minimal information, with many of the files only consisting of a calendar print-out of the hours that were submitted through HHAeXchange. The first subpoena served requested 25 specific recipient files; however, only seven files were provided in response and only three of those contained paperwork with a recipient or authorized representative signature.

In addition, all employee files were requested pursuant to both subpoenas. The number of files provided, however, was less than the number of employees listed on the agency's payroll and/or listed as having worked for Part of Our Family under HHAeXchange. Additionally, most of the files only contained the hours worked on the same calendar printouts as in the MA recipient files. For the most part, the employee files lacked basic records, such as copies of the employee's identification, application for employment, background clearances and tax documents.

When Mata testified before the Grand Jury on May 2, 2022, he stated that wages to his employees were paid bi-weekly via direct deposit through his payroll system. Mata also testified that he only paid wages to all employees through the payroll system.

MA RECIPIENTS

As the investigation progressed, OAG Special Agent Nicole Tomlinson (SA Tomlinson) obtained EVV data directly from HHAeXchange via subpoena and received claims data from the three managed care organizations that were billed by Part of Our Family, including PA Health and Wellness, UPMC Health Plans and AmeriHealth. The claims data included the date of service, the number of units paid (1 unit = 15 minutes of service), and the dollar amount paid for any given MA recipient on that date. In addition, SA Tomlinson interviewed numerous MA recipients (and/or their family members) who allegedly received personal assistance services from Part of Our Family to determine the accuracy of the billing compared with the actual amount of services received. A summary of those interviews now follows.

On February 4, 2021, the husband and daughter of MA recipient ES were interviewed by SA Tomlinson. ES's daughter reported receiving a phone call from someone at Part of Our Family after ES was approved for personal assistance services; however, the daughter declined Part of Our Family's offer to provide services during this conversation. Both interviewees reported the family received documentation that Part of Our Family had billed for providing personal assistance services in 2020 that did not occur. According to HHAeXchange, Part of Our Family submitted claims for services allegedly provided to ES by Kyleigh Yost, Cynthia Loch, Safiyah McKenzie and Valerie Cadavid. During the interviews with SA Tomlinson, both family members denied that these individuals provided care to ES. SA Tomlinson confirmed that all HHAeXchange entries were manually entered as a "Quick Data Entry" by Mata, meaning that they were not actually submitted by a personal assistance worker. The only other documentation provided by Part of Our Family regarding services for ES were computer-generated time sheets that did not contain a worker or recipient signature verifying the hours allegedly worked. The claims data revealed that

between May 4, 2020 and June 19, 2020, Part of Our Family billed and received payment for 223 hours of services that were never provided to ES. These 223 hours totaled \$4,442.16 that was paid by PA Health and Wellness.

On March 31, 2021, SA Tomlinson interviewed the daughter of MA recipient AF. AF's daughter reported that Safiyah McKenzie, a personal assistance worker for Part of Our Family, assisted for at least two days, but no longer than three days. AF's family was later advised that McKenzie no longer wanted to work for AF due to the location and lack of available public transportation. By contrast, HHAeXchange data reflected that McKenzie worked six hours a day for eight days between June 6, 2020 and July 5, 2020. In addition, claims data revealed that Part of Our Family billed for all of these hours and received \$898.56. The five shifts that AF's daughter identified as never having occurred accounted for \$561.60 of that total. HHAeXchange data also reflected that Omaly Zapata worked four shifts between July 18, 2020 and July 26, 2020 to provide services to AF. However, AF's daughter advised that Zapata never provided services to AF. Part of Our Family billed for two of those four shifts and received a total of \$224.64. All entries for AF were manually entered as a "Quick Data Entry" by Mata. Part of Our Family provided no other documentation regarding service hours allegedly provided to AF.

On April 5, 2021, SA Tomlinson interviewed MA recipient EM who advised that she received documentation reflecting that Part of Our Family provided services to her when she had never received services through the agency. The Grand Jury learned that Part of Our Family billed and received payment for providing services on 36 dates between July 6, 2020 and August 28, 2020. EM reported that she declined all in-home services during this time-frame due to the COVID-19 pandemic. Through HHAeXchange data, however, Safiyah McKenzie, Melissa Hassan-Fouz, Safiya Franklin and Omaly Zapata were identified as personal assistance workers

who had provided services to EM. EM informed SA Tomlinson that she did not know any of these individuals and had never received services from them. Part of Our Family received \$4,137.12 for the 221 hours billed for services allegedly provided to EM. All entries for EM were manually entered by Mata and the only non-HHAeXchange documentation provided for services to EM were the aforementioned time sheets.

On April 12, 2021, SA Tomlinson interviewed the sister of MA recipient MC. MC's sister stated that although MC had enrolled in the waiver program, she never received services from any agency. SA Tomlinson discovered, however, that from June 4, 2020 to December 31, 2020, Part of Our Family billed for providing 298.5 hours of services to MC and received a total of \$5,587.92. According to the EVV data, MC supposedly had five different care workers, including Melissa Hassan-Fouz, Carol Proctor and Safiyah McKenzie.

On June 11, 2021, SA Tomlinson interviewed MA recipient DB. DB reported that she began to receive services from Part of Our Family at the end of 2020 and received approximately three hours of services per day. Part of Our Family, however, billed for providing between four and nine hours of services per day. Between December 18, 2020 and February 12, 2021, Part of Our Family billed for providing 324 hours of services to DB over the course of 42 days and received \$6,065.28. For 39 of those 42 days, more than three hours of services were billed per session. Of the 324 total hours billed, 198 hours exceeded the three daily hours reported by DB.

On June 11, 2021, SA Tomlinson interviewed the daughter of MA recipient ReW. The daughter of ReW reported that ReW only received services from Part of Our Family on five specific dates in December 2020. SA Tomlinson discovered, however, that Part of Our Family billed for a total of 104.5 hours over 14 days between December 12, 2020 to December 31, 2020, and received \$2,081.64 for those services. The nine dates of services that were billed by Part of

Our Family but did not occur as per the daughter of ReW accounted for \$1,424.28 of that total. According to HHAeXchange data, ReW had three personal assistance workers, including Bernice Smith.

On June 11, 2021, the family of MA recipient RoW told SA Tomlinson that RoW never received any services from Part of Our Family. Records revealed, however, that from August 4, 2020 to August 21, 2020, Part of Our Family billed for 42 hours of services and received \$836.64. HHAeXchange records identified Omaly Zapata as RoW's personal assistance worker.

PERSONAL ASSISTANCE WORKERS

The Grand Jury heard testimony that an analysis was conducted regarding the MA recipients who reported receiving no services from Part of Our Family, or fewer services than what was billed, and the entries that were made in HHAeXchange. The review revealed that a specific group of personal assistance workers had supposedly worked many of these shifts. While interview attempts with Omaly Zapata, and Safiya Franklin were unsuccessful as they were unable to be located, SA Tomlinson was able to interview several other current or former employees of Part of Our Family, including a few individuals in that specific group of personal assistance workers. Additionally, two employees testified before the Grand Jury.

SA Tomlinson interviewed Carol Proctor on December 8, 2021. Proctor reported that she worked for Part of Our Family in May and June of 2020 and provided services to VS on numerous occasions. Proctor stated that she called Mata to report her worked hours at the end of the week and never used the EVV system. She was paid via direct deposit. Proctor further indicated that she never worked for MA recipients EB, MR, MC, RG and any entries made for them in her name were false. The Grand Jury learned that while Part of Our Family billed for 346.5 hours of services in Proctor's name, Proctor was only paid for 267.5 hours.

On December 9, 2021, Kyleigh Yost testified before the Grand Jury. She stated that she worked as a personal assistance worker for Part of Our Family for only a short period of time and provided services to VS and EB. When asked about JJ,⁴ ES and SR, she testified that she did not provide services to those individuals.⁵ The Grand Jury learned, however, that Part of Our Family billed for providing 112.25 hours of services to these three recipients under Yost's name. When Yost was shown HHAeXchange submissions that were made in her name for JJ and SR, she testified that they were made without her knowledge or consent. Yost also testified that she did not complete weekly time sheets or use any type of EVV system to log her hours. When Yost was shown the time sheet for ES that Part of Our Family had provided to the Grand Jury, she stated that she had never seen the document. For VS, Yost testified that she documented her hours on a piece of paper and she believed that VS submitted the paperwork to Mata. For EB, Yost indicated that she did not complete any documentation reflecting her hours; instead, Mata just told her when to start and stop working through text messages. In total, HHAeXchange data reflected that Part of Our Family submitted billings for Yost in connection with five MA recipients. All HHAeXchange entries were entered manually by Mata. Yost testified that she was paid via direct deposit and that she was never advised of an hourly wage. She testified that she believed she was paid fairly, if not overpaid sometimes, for the hours she worked. A review of the payroll records revealed that Yost was paid for providing 574.25 hours of services, while Part of Our Family billed for 1,032.25 hours in her name.

⁴ This recipient's first initial is "D." However, because the Grand Jury transcript reflects the first name as starting with "J," it is written herein as "JP" to be consistent with the Grand Jury transcript.

⁵ Yost later changed her testimony and claimed she worked a few hours for ES. However, she reported that ES lived in an apartment building with a lobby. ES's husband and daughter reported that ES lived with them in a private home.

In August 2022, Valerie Cadavid testified before the Grand Jury. Cadavid advised that she started working as a personal assistance worker at Part of Our Family in 2019 but eventually became a scheduler (while still providing personal assistance services at times). She is now a recruiter for the company. Cadavid was hired by Mata, whom she identified as the owner. Cadavid testified that when she was working as a personal assistance worker, a time sheet was kept at the MA recipient's residence and that she (and other workers) entered their hours and the recipient then signed the time sheet. She was unaware of how the time sheet was sent to the agency. Cadavid further testified that the agency then changed to a call-in system where the personal assistance workers called to report their hours every day. Cadavid stated that she only received payment via payroll direct deposit and never worked overtime or hours late in the evening. When provided with the names of MA recipients for whom billing was submitted in her name, Cadavid could not recall working for MR, AG, ES, JK, JT, GG or DE, among others. Cadavid was also shown EVV data revealing two instances of overlaps in the shifts that were submitted under her name. Cadavid reported that while she may not recall exactly which MA recipient she worked for on a given date, she confirmed that she could not have been at two places at once. The overlapping data for both recipients/places had been manually entered into HHAeXchange by Mata. There were also several instances of double or triple entries for shifts under her name for the same recipient, as well. Records revealed that Part of Our Family billed for the provision of personal assistance services under Cadavid's name for 3,900 hours, but only paid her for 3,442 hours through payroll. Cadavid also testified that she generally does not work more than 40 hours a week; however, she is listed in HHAeXchange data as having provided nine hours of services to OT every day in November 2021, December 2021, January 2022, February 2022 and April 2022 (with many days in March 2022, as well). She was paid for 40 hours per week during this time

frame, with the exception of 28 extra hours being paid out in January 2022 over two bi-weekly paychecks.

On July 11, 2022, SA Tomlinson interviewed Bernice Smith who reported that she worked as a personal assistance worker for Part of Our Family for a few days in December 2020. She stated that she was never paid, however, and therefore left the agency. The EVV submissions revealed that there was a total of 16 hours entered for Smith over three days between December 12, 2020 and December 19, 2020, although payroll records reflected that Smith was never paid for working those hours. The data also revealed that Part of Our Family billed in Smith's name for 16 hours each day between March 17, 2021 and March 20, 2021 and received \$1,123.20 for those hours. Mata manually entered all of the hours for Smith and, once again, Smith was not paid for these hours.

On August 9, 2022, SA Tomlinson interviewed Melissa Hassan-Fouz. Hassan-Fouz reported that she started working for Part of Our Family in 2020 and provided services to MA recipients MR, KF and KS. Hassan-Fouz also recalled working one shift for GF, but reported that she never worked for the other eight MA recipients listed under her name in the EVV data (including EM and MC). Hassan-Fouz told SA Tomlinson that she texted the hours that she worked to Mata at the end of the week, and that Part of Our Family started to use a call-in system towards the end of her employment. Under Hassan-Fouz's name, Part of Our Family billed for 83 days of service between August 3, 2020 and March 3, 2021 for the eight recipients whom Hassan-Fouz did not know. In addition, Part of Our Family billed for providing 28 days of services between November 12, 2020 and December 31, 2020 to GF whom Hassan-Fouz reported to have only worked with for one shift. There were no records of Hassan-Fouz working for MR; MR was listed as having a different worker during the entire time Hassan-Fouz was employed with Part of

Our Family. Overall, Part of Our Family billed for 862.5 hours under Hassan-Fouz's name, however Hassan-Fouz was only paid for 627.5 hours.

SA Tomlinson interviewed Elizabeth Poblete-Salas on August 11, 2022. Poblete-Salas reported that she worked for Part of Our Family as a personal assistance worker in 2020 until she was injured in a car accident in December. Poblete-Salas stated that she never worked for MA recipients YT or EDF and that she never worked for Part of Our Family in 2021. The Grand Jury learned, however, that the EVV records reflected that in August 2020, the agency billed for 59 hours in Poblete-Salas's name for YT and EDF, and for 64 days (565 hours) between March 18, 2021 and June 8, 2021. Part of Our Family was paid \$9,579.92 for the hours that were billed in Poblete-Salas' name but were not completed by her. Overall, Part of Our Family billed for 1,246 hours in Poblete-Salas' name but payroll records reflected that she was only paid for 486 hours.

HHA EXCHANGE RECORDS

The Grand Jury also issued a subpoena to HHAeXchange for data submitted on behalf of Part of Our Family. The records revealed that most of the EVV entries for 2020 and 2021 were not made by personal assistance workers, but were later manually added by Mata or other administrative individuals. SA Tomlinson discovered that from January 11, 2020 to April 29, 2022, Mata manually added 5,410 of the 15,394 total entries made in HHAeXchange. He also adjusted 3,008 entries using reason codes that included "caregiver failed to call in and out" or "attendant called in to or out of the EVV system early or late." In total, these 8,418 manually added or adjusted entries comprised half of all entries in HHAeXchange, including entries made by the personal assistance workers themselves. Only three other employees manually adjusted or added an additional 410 entries total during this time frame, indicating that Mata was the main individual responsible for any entry changes. Part of Our Family provided no documentation

reflecting that a personal assistance worker and/or MA recipient had verified the hours manually entered.

Furthermore, the Grand Jury learned that the data reflected a number of instances where Mata manually entered shifts for a personal assistance worker that overlapped with another shift that he had entered for the same person. The data also revealed that Mata had manually entered two shifts worked by two different workers for the same recipient (*i.e.*, two individuals were providing services at the same time to the same recipient). Lastly, there were numerous instances where Part of Our Family billed for the same shift two or even three times, and was paid for more than one shift.

SA Tomlinson compared the total number of hours a personal assistance worker was paid (as reflected on the payroll records provided by Part of Our Family) with the number of hours billed as allegedly worked (as reflected on HHAeXchange data) for the period January 11, 2020 to April 29, 2022 and found these numbers did not match for any of the 122 care workers.⁶

BANK RECORDS

Pursuant to the Grand Jury's investigation, bank records from Capital One and Bank of America were obtained for accounts in the name of Part of Our Family. The Capital One accounts showed regular payments made to personal assistance workers through Cash App (a/k/a "Block Inc.") and Zelle, which are peer-to-peer payment applications. Transaction data obtained directly from Cash App reflected that between January 3, 2020 and October 12, 2022, Part of Our Family paid 18 different known personal assistance care workers in varying amounts and frequency for a total of \$305,945.42. These employees included Valerie Cadavid, Safiyah McKenzie, Safiya

⁶ A total of 127 employees were identified through payroll and EVV data. Five of those employees were identified as administrative employees only. Although any of the remaining 122 employees could have also been administrative workers, this review considered them all to be employed as personal assistance workers in order to provide Part of Our Family with the benefit of the doubt.

Franklin, Omaly Zapata and other care workers whose names repeatedly surfaced during the course of this investigation. Furthermore, \$159,579.10 of that total was sent to Cadavid. Part of Our Family manager Alicia Conyers sent Cadavid an additional \$50,506.75. The bank records reflected that Mata and Conyers had designated many of the Cash App payments as being paychecks for other employees.

In total, over 90% (\$210,085.85 out of the \$231,520.26) of the total payments that Cadavid received via her Cash App account were from Mata and Conyers. Cadavid used Cash App funds to then pay a total of \$70,793.75 to 12 other employees, including many of the 18 individuals that were paid by Mata directly. The remaining funds were used for personal expenses, specifically \$73,849.85 was forwarded to presumed family and friends and another \$66,442.72 was used to directly pay for personal goods and services to various vendors. These charges on Cadavid's Cash App account were incurred at vendors in the immediate area of Cadavid's residence.

The Part of Our Family bank accounts also revealed additional Cash App payments to individuals who were not identified as Part of Our Family employees, as well as for goods and services at vendors in New York where Mata resides. Many of these charges appeared to be non-business related.

CONCLUSION

Through this fraudulent billing scheme, Part of Our Family received approximately \$488,349.96 for services that were never provided during the time period of January 11, 2020 through April 29, 2022. The following chart is reflective of the rate most commonly used to bill managed care organizations in the years 2020, 2021 and 2022⁷ and the number of respective hours that were not paid to employees but billed by Part of Our Family:

⁷ It should be noted that the rate varied by year and geographic region. The rate most commonly used as reflected in the chart is lower than the average yearly rate across all three years.

YEAR	DIFFERENCE IN EVV HOURS RECORDED v. HOURS PAID TO WORKERS	MOST USED HOURLY RATE FOR BILLING	DIFFERENCE x RATE
2020	7286.75	\$18.72	\$136,407.96
2021	17267.63	\$18.72	\$323,250.03
2022	1333.27	\$21.52	\$28,691.97
TOTALS	25887.65		\$488,349.96

Mata used the names of Part of Our Family's personal assistance workers to bill for more hours of services than what was actually provided, billed for MA recipients that never received services at all, and, failed to keep required records for his employees, clients and time management of hours. Part of Our Family continues to operate to this day.