

**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR THE COUNTY OF SARASOTA, STATE OF FLORIDA**

STATE OF FLORIDA

CASE NUMBER

VS.

DIVISION:

KHARMA RAE ROGERS

BEFORE ME, _____, Judge of the Twelfth Judicial Circuit, in and for Sarasota County, Florida, personally appeared Law Enforcement Investigator Robert Snetsinger who, first being duly sworn, deposes and states that he has reason to believe that certain laws of the State of Florida have been violated, in particular: Medicaid Provider Fraud, \$10,000 or less, 3rd Degree Felony, Florida State Statute §409.920(2) and Scheme to Defraud, 3rd Degree Felony, Florida Statute §817.034. The facts outlined in this affidavit establish probable cause to believe that the laws of the State of Florida relative to the above have been violated by **KHARMA RAE ROGERS** in Sarasota and Leon county for the Twelfth and Second Judicial Circuits. The said offenses occurred in two or more judicial circuits in the State of Florida as part of a related transaction.

Defendant's Identification

KHARMA RAE ROGERS:

W/F, DOB: [REDACTED], last known address of [REDACTED],
Florida Driver's License # [REDACTED]

The probable cause in support of this allegation is based upon the following facts:

Your affiant, Robert Snetsinger, is a law enforcement officer for the State of Florida Office of Attorney General, Medicaid Fraud Control Unit (MFCU). Your Affiant, Robert Snetsinger, is currently employed as a sworn and certified law enforcement officer with the state of Florida, serving as a Law Enforcement Investigator II within the Office of the Attorney General, Department of Legal Affairs, Medicaid Fraud Control Unit (MFCU), Tampa. Your Affiant has been a certified Law Enforcement Officer in the state of Florida since December 2016, having graduated from a law enforcement recruit program recognized by the Florida Department of Criminal Justice Standards and Training Commission and retired from law enforcement in the State of Vermont after 20 years of service. Your Affiant has been with the Tampa MFCU for over three years. As a result of combined training and experience, your Affiant is conversant with investigations involving crimes against persons, theft, fraud and various other financial crimes. Many of these investigations have led to the arrest and successful prosecution of individuals for violations of state statutes.

This Affidavit details an investigation conducted by the MFCU in which your Affiant discovered that from December 30, 2015 through April 11, 2016, **KHARMA RAE ROGERS** did commit Medicaid provider fraud and a scheme to defraud, by causing the submission of claims to the Florida Medicaid program for services that were not authorized.

BACKGROUND

Medicaid is the state and federal partnership that provides healthcare coverage for selected categories of people with low incomes. The purpose of the program is to provide medical assistance and health care coverage for categories of individuals whose income and resources are insufficient to meet the costs of their medical services. The Agency for Health Care Administration (AHCA) is the State of Florida Agency which is responsible for the administration of the Medicaid program.

The MFCU exists to investigate Medicaid fraud occurring in the State of Florida. The MFCU is under the authority and supervision of the Office of the Attorney General of the State of Florida. Pursuant to Florida Statute Chapter 16, Section 16.59, the MFCU is authorized to

investigate all violations of Florida Statute Chapter 409.920, Medicaid Provider Fraud, and any other criminal violations discovered during those investigations.

DXC Technology (DXC) is the fiscal agent for the State of Florida that administers program funds to Medicaid Providers and is located in Tallahassee, Leon County, Florida. DXC also provides claims data used to review claims submitted by providers to the Medicaid Program, and payments made to the providers from the Medicaid Program. Current business practice is that all Medicaid billing is done electronically, i.e., computer transmittal.

DEFINITIONS

“Behavior Analysis Services” are authorized under the Social Security Act. The Florida behavior analysis program was implemented through Chapter 409, Florida Statutes and the Florida Administrative Code. The stated purpose of behavior analysis services is to assist recipients to learn, or increase existing, functionally equivalent replacement skills directly related to existing challenging behaviors which, when exhibited by the recipient, pose risk of harm to the recipient or others. Behavior Analysis includes the design, implementation and evaluation of systematic environmental modifications that assist in understanding a recipient’s behavior to produce change in the recipient’s behavior that is socially meaningful.

“Behavior Analysis Certification Board (BACB)”, since 2003, is responsible for credentialing Board Certified Behavior Analysts (BCBA) and Board-Certified Assistant Behavior Analysts (BCaBA) in Florida. The BACB is a non-profit corporation, located in Colorado, that was established to meet the credentialing needs identified by Behavior Analysts, Governments and consumers of behavior analysis services. Their BCBA program is a graduate-level (i.e. masters or doctoral level) certification in behavior analysis for professional independent practitioners who provide behavior analysis services. Their BCaBA program is an under-graduate level (i.e. bachelor’s level) certification where behavior analysis services can only be provided under the supervision of BCBAAs.

FACTS

An investigation conducted by the Florida Attorney General’s MFCU revealed that **KHARMA RAE ROGERS** was the owner and executive director of Community Abilities &

Beyond, LLC. According to Florida Medicaid records, Community Abilities & Beyond, LLC, located at [REDACTED] Sarasota, Sarasota County, Florida, was enrolled as an authorized Medicaid provider under Provider Number [REDACTED], effective September 21, 2014, as an Individual Practice provider of Home and Community Based services. Community Abilities & Beyond, LLC also participated in a Florida Agency for Persons with Disabilities (APD) Medicaid Waiver Service Agreement in the Developmental Disabilities waiver program providing Personal Supports, Life Skills Development I & II, Supported Living Coach, Skilled Nursing and Skilled Respite services to Florida Medicaid recipients who have been certified under the Medicaid program as meeting the eligibility criteria for a specific target group on the date of service.

KHARMA RAE ROGERS committed Medicaid provider fraud through an organized scheme of submitting falsified credentials to APD in order to provide, and be reimbursed for, services that they were not qualified to perform. Those unqualified services were then used in the submission of claims to the agency or its fiscal agent or a managed care plan for payment. As a result of **KHARMA RAE ROGERS'** submission of claims for services they were not qualified to provide, false claims were billed and Medicaid funds totaling at least \$3,581.40 were paid to Community Abilities & Beyond, LLC for services they were not qualified to render. Those Medicaid funds were electronically deposited into a Wachovia (now Wells Fargo) Bank account solely owned by **KHARMA RAE ROGERS** and Community Abilities & Beyond, LLC.

A preliminary investigation was opened on March 24, 2017, to determine if **KHARMA RAE ROGERS** knowingly falsified documents which she knew would then be used in the submission of claims to the Medicaid program for reimbursement for services that they were not qualified to provide, and thus causing false claims to be submitted to the agency or its fiscal agent or a managed care plan for payment in violation of Florida State Statutes. This investigation focused on behavior analysis service activities by Community Abilities & Beyond, LLC provided to Medicaid recipients between December 30, 2015 and April 11, 2016. During this time frame, claims data shows Community Abilities & Beyond, LLC electronically billed for and received direct payment of at least \$3,581.40 for Behavior Analysis - Level 1 services.

The rules and guidelines for behavior analysis services are set forth by the AHCA Florida Medicaid Developmental Disabilities Individual Budgeting Waiver Services Coverage and

Limitations Handbook (Developmental Disabilities Handbook). Your affiant reviewed this handbook and found it states that providers of behavior analysis services must have licensure or certification on active status at the time the services are provided and that a Board Certified Behavior Analyst (BCBA), at a masters or doctoral level, can provide Behavior Analysis - Level 1 services.

Your affiant obtained and reviewed the Florida Medicaid provider enrollment documents of Community Abilities & Beyond, LLC. They showed that in August of 2014 **KHARMA RAE ROGERS** submitted a Florida Medicaid Provider Registration form to AHCA requesting that her business, Community Abilities & Beyond, LLC, become a Medicaid provider. In September of 2014 AHCA issued Medicaid Provider Identification number [REDACTED] to Community Abilities & Beyond, LLC authorizing the submission of claims for reimbursement under the Medicaid programs within the scope of their provider type. Community Abilities & Beyond, LLC became enrolled with Medicaid as a Home and Community Based Services (HCBS) provider type. This provider type includes services rendered in the Developmental Disabilities Individual Budgeting Waiver program outlined by the Developmental Disabilities Handbook that include, but are not limited to, Life Skills Development, Personal Supports and Behavior Analysis.

In November of 2014, **KHARMA RAE ROGERS**, under the title of “provider/owner”, signed the APD Medicaid Waiver Services Agreement authorizing Community Abilities & Beyond, LLC to furnish Developmental Disabilities services and Home and Community Based services to eligible APD clients. The agreement incorporates the Developmental Disabilities Handbook, which lists the requirements for each specific service, and requires the provider to comply with all terms and conditions of the agreement including incorporated documents. This agreement’s effective date was 12/01/2014 and listed **KHARMA RAE ROGERS** as the responsible party of financial records, administrative records and administration of services.

Also included in the Medicaid provider enrollment information was a payment method selection and Electronic Funds Transfer (EFT) agreement. For the Community Abilities & Beyond, LLC enrollment application, the only individual listed as permitted to initiate, modify or

terminate EFT enrollment was “Rogers, Kharma”. The application selected EFT as the payment method and listed a Community Abilities & Beyond, LLC bank account with Wachovia Bank (now Wells Fargo Bank) as the location for electronic payments to be made.

The completion of the Medicaid Waiver Services Agreement initiated a Community Abilities & Beyond, LLC provider file maintained by APD. Contained in this file were copies of multiple certificates and degrees submitted to APD by **KHARMA RAE ROGERS**. They included a BACB certificate issued to **KHARMA RAE ROGERS**, a BACB certificate issued to Matthew Lee, a Florida Behavior Analysis Certification Program certificate issued to **KHARMA RAE ROGERS**, a Southern Connecticut State University master’s degree issued to **KHARMA RAE ROGERS** and a University of California doctorate degree issued to **KHARMA RAE ROGERS**.

Your affiant reviewed the BACB certificates from the Community Abilities & Beyond, LLC APD provider file. They appeared to have altered provider names, certificate numbers, issue dates and renewal dates. The certificant name of “Matthew Lee” was in a different font size and style and the certificant name of “KHARMA ROGERS” was all capitalized and in a different font size and style. The certificate numbers, issue dates and renewal dates were also in a different font size and style from the rest of the certificate wording.

The BACB maintains a publicly usable website which provides a searchable certificant registry. This database was searched for both **KHARMA RAE ROGERS** and Matthew Lee and no records were found of either holding any form of BACB certification at any time.

Your affiant learned from Greg Pastrich, Investigator with the BACB, that the certificates submitted to APD by **KHARMA RAE ROGERS** for herself and Matthew Lee were not legitimate. He confirmed that neither person was ever certified by the BACB and noted inconsistencies between their certificates and a legitimate certificate including invalid certificate numbers and invalid issue and renewal dates. Mr. Pastrich advised that the fake certificates showed a BACB ACE Provider number where there should have been a BACB certificate number. He also stated that the BACB does not have a five-year renewal period as indicated on

the fake certificate of **KHARMA RAE ROGERS** showing an issue date of “09/08/2015” and a renewal date of “09/08/2020”.

Your affiant reviewed a Florida Behavior Analysis Certification Program (FBACP) certificate from the Community Abilities & Beyond, LLC APD provider file. The certificate appeared to have an altered certificant name and issue date. The certificant name of “Kharma Rogers” was aligned noticeably off center and in a different font size and style. The issue date of “November 15, 2015” also appeared to be a different font size and style and was invalid since the FBACP ceased to exist in 2003 when credentialing responsibilities in Florida were taken over by the BACB.

Your affiant reviewed a master’s degree from the Community Abilities & Beyond, LLC APD provider file. The master’s degree, from Southern Connecticut State University Department of Social Work, appeared to have an altered title, certificant name and date of completion. The degree title showed three lines of text with the first line of “Southern Connecticut State University” and the second line of “Department of Social Work” center aligned. The third line of “Master’s Degree Program” was aligned noticeable off-center from the other two lines. The certificant name of “KHARMA RAE ROGERS” was in a different font size and style and the date of completion of “October 5, 2011” appeared to have been handwritten.

Your affiant reviewed a doctorate degree from the Community Abilities & Beyond, LLC APD provider file. The doctorate degree, from the University of California, appeared to have an altered certificant name and degree title. The certificant name of “Kharma Rae Rogers” was aligned noticeably off-center and in a different font size and style. The degree title line stated “THE DEGREE OF DOCTOR OF PSYCHOLOGY” where the word “PSYCHOLOGY” was in a different font style from the rest of the words.

Your affiant reviewed a Community Abilities & Beyond, LLC “Behavior Analysis Service Plan” for Medicaid recipient [REDACTED]. The plan included sections of information about the client and the plan for services including an assessment summary, quality assurance and monitoring plans, procedures, integration of services, objectives and outcomes, etc. This plan showed the Behavior Analyst as Matthew Lee and identified him as “BCBA”. It was signed by

KHARMA RAE ROGERS as the supervisor and identified her as “PsyD” (Doctor of Psychology), “MA/MSW” (Masters Degree in Social Work) and “BCaBA”.

Your affiant reviewed the APD Support Plan Authorization Details from January through April of 2016 for Medicaid recipient [REDACTED]. It stated that Behavior Analysis – Level 1 (procedure Code H2019UCHP) services were approved for a total of 32 units per month for January, February and March of 2016 and a total of 20 units for April (up to April 18) of 2016. Each unit was to be paid at \$19.05 to Community Abilities & Beyond, LLC as the approved provider.

Your affiant interviewed Cynthia Smith, the Waiver Support Coordinator for Medicaid recipient [REDACTED]. Ms. Smith advised she contacted **KHARMA RAE ROGERS** in December of 2015 to arrange for Community Abilities & Beyond, LLC to provide behavior analysis services to her client. She was informed by **KHARMA RAE ROGERS** that the services could be provided and arranged for Matthew Lee to do them. Ms. Smith stated that Lee began behavior analysis services with her client in February of 2016, however she observed that the services were not of a quality she expected based on her many years of experience. She ultimately ended services to her client by Community Abilities & Beyond, LLC in April of 2016 after losing confidence in their ability provide quality behavior analysis services.

Your affiant interviewed Laura Leseberg, owner of Laura’s Billing, Inc. that provides billing services to companies that operate in Medicaid waiver programs. Ms. Leseberg advised that Community Abilities & Beyond, LLC was a client of her business. She reported that **KHARMA RAE ROGERS** would electronically send her billing information that included the type of service and number of units of the service that was rendered to each client. Ms. Leseberg then entered that information, without making any changes or alterations in any way, into the Medicaid billing portal for submission as Medicaid claims.

The Florida Medicaid billing portal is a secure, internet based portal where a user must login to access it. The user can select and submit electronic files via the portal which are transmitted to AHCA for processing of the claims.

Your affiant interviewed Matthew Lee, a former employee of Community Abilities & Beyond. He advised he possessed an Associate's Degree from St. Clair Community College in Michigan and a Bachelor's Degree from Eckerd College in Florida. Mr. Lee met **KHARMA RAE ROGERS** in 2010 when both worked as Waiver Support Coordinators in Florida. He was offered employment by **KHARMA RAE ROGERS** to work at Community Abilities & Beyond, which he accepted and started in late 2015.

Mr. Lee stated was asked by **KHARMA RAE ROGERS** to see clients for behavior related issues for which he was trained and supervised by **KHARMA RAE ROGERS**. When directed by **KHARMA RAE ROGERS** to do services with a client, Mr. Lee saw the client, completed services as he had been trained, generated service notes and returned the notes to **KHARMA RAE ROGERS**.

Mr. Lee had been emailed a certificate by **KHARMA RAE ROGERS** indicating that he was certified to do behavior analysis services in Florida. He had only a vague knowledge of the BACB but was not aware of their certification requirements or that they issued certifications in Florida until **KHARMA RAE ROGERS** gave him his. He had never previously held a BACB certification, or any other behavior analysis related certification of any kind.

Mr. Lee provided the email where he received his certificate from **KHARMA RAE ROGERS**. The email header information showed it was sent from "Kharma Rogers <[REDACTED]>" to "Lee, Matt <[REDACTED]>" on January 14, 2016. The subject line stated only "certificate" and there were no words typed in the email body. The email had a single document attached named "Lee Certificate" that was a BACB certificate stating that Matthew Lee was a certified for "Applied Behavior Analysis".

Your affiant interviewed **KHARMA RAE ROGERS**, owner and operator of Community Abilities & Beyond, LLC. Based on my investigation and my interaction with **KHARMA RAE ROGERS** for this interview I positively verified her identification. She acknowledged that her company participated in Medicaid waiver programs by providing services to their clients. **KHARMA RAE ROGERS** confirmed that she had hired Laura's Billing, Inc. to submit claims to Medicaid on behalf of Community Abilities & Beyond, LLC.

KHARMA RAE ROGERS advised she was aware that Florida required providers of behavior analysis services to be board certified and admitted that neither she nor Matthew Lee, one of her employees, were board certified for behavior analysis services in Florida. She also admitted to fabricating multiple documents which she then submitted to APD so her company could participate in behavior analysis services. **KHARMA RAE ROGERS** described the fabricated documents as including BACB certificates for herself and Matthew Lee, her masters degree from Southern Connecticut State University and her doctorate degree from the University of California, all of which she found online and manipulated electronically to make them appear to have been issued to her or Matthew Lee.

KHARMA RAE ROGERS reported having Medicaid recipient [REDACTED] as a client for behavior analysis services and noted there may have been one or two others as well. She claimed she fabricated and submitted the documents because she had not been able to hire a board-certified provider with Community Abilities & Beyond, LLC and she did not want her clients to miss out on services they needed. **KHARMA RAE ROGERS** added that her motivation for doing this was not for the sole purpose of stealing money from Medicaid and upon realizing that she would not be able to hire a certified provider she ended behavior analysis services after a few months.

Your affiant requested any and all Community Abilities & Beyond, LLC documents related to behavior analysis services from **KHARMA RAE ROGERS**. She advised she no longer had any of her documents since Community Abilities & Beyond, LLC shut down in April of 2017 after the provider agreement was terminated by APD.

Community Abilities & Beyond, LLC Medicaid claims data (obtained from DXC) for services provided to Medicaid recipients were analyzed by your Affiant for Behavior Analysis related procedure codes billed, units billed and amounts reimbursed. The data showed a total of twenty claims paid by Medicaid to Community Abilities & Beyond, LLC for Behavior Analysis – Level 1 (procedure code H2019UCHP) with dates of service between 12/30/2015 and 04/11/2016. These claims were to two different Medicaid recipients identified as [REDACTED] (19 claims) and [REDACTED] (1 claim).

Medicaid reimburses a pre-determined dollar amount for each unit of service for each procedure code. Each Medicaid claim for service also has billing units such as per hour, per quarter hour or per single unit (i.e. allowed once per year). According to the Developmental Disabilities Individual Budgeting Waiver Services Provider Rate Table, used in conjunction with the Developmental Disabilities Handbook, Behavior Analysis – Level 1 services were billed in quarter hour units at \$19.05 per unit for Agency providers.

Your affiant calculated the dollar amounts paid by Medicaid for actual hours of Behavior Analysis – Level 1 services that were rendered to [REDACTED] and [REDACTED] by Community Abilities & Beyond. Medicaid claims data showed a total of at least \$3,581.40 was reimbursed to Community Abilities & Beyond, LLC for the twenty total claims for Behavior Analysis – Level 1 services between 12/30/2015 and 04/11/2016.

During the time frame of December 30, 2015 and April 11, 2016, **KHARMA RAE ROGERS** did knowingly make, or cause to be made, false statements or representations of material fact in claims submitted to the agency or its fiscal agent or managed care plan for payment. The minimum loss identified to the Medicaid program as a result of **KHARMA RAE ROGERS's** fraudulent actions is approximately \$3,581.40

Based on the above information and evidence your Affiant believes reasonable grounds and probable cause exists for the issuance of an arrest warrant charging:

KHARMA RAE ROGERS, with one count of Medicaid Provider Fraud, \$10,000 or less, 3rd Degree Felony, Florida State Statute §409.920(2) and one count of Scheme to Defraud, 3rd Degree Felony, Florida Statute §817.034. In an on-going scheme, **KHARMA RAE ROGERS** did benefit from willfully and intentionally defrauding the Florida Medicaid Program by her direct actions which created false billing information and progress notes used to obtain reimbursement from the Medicaid program.

WHEREFORE your Affiant respectfully requests this Honorable Court to issue an arrest warrant for the arrest of **KHARMA RAE ROGERS** for the offenses of Medicaid Provider Fraud and Scheme to Defraud so that **KHARMA RAE ROGERS** be made to answer to the charges.

FURTHER AFFIANT SAYETH NOT.

Law Enforcement Investigator Robert Snetsinger

The foregoing instrument was acknowledged before me this ____ day of _____ 2020; Law Enforcement Investigator Robert Snetsinger presented his agency credentials to me and did take an oath.
