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Office of the Inspector General
Miami-Dade County

FINAL REPORT

To: Mr. George Burgess, County Manager

Received By _____ Date _____

From: Christopher Mazzella, Inspector General

Date: August 3, 2004

Re: False and Questionable Grant Billings by Empower U, Inc. to Miami-Dade County for Services Allegedly Rendered to Low Income and Minority Persons with the HIV/AIDS Virus

This report was issued in draft form on July 1, 2004. Draft copies were provided to Empower U, through its executive director, and to the Office of Strategic Business Management (OSBM), Ryan White Division. Responses have been received from both entities and they are appended in full. As part of OSBM's response, it stated that it has "conducted a review of the agency's billing practices, client eligibility screening, and operating procedures." According to OSBM: "The results of the review are being analyzed and a report of the findings is being drafted." Furthermore, OSBM has not made a final determination on the OIG's recommendation, although it is still being considered among other measures.

In light of the above, the OIG requests that we are provided with an update in 90 days (November 5, 2004) as to the status of Empower U's grant agreement with the County.

cc: Honorable Chairperson Barbara Carey-Shuler, Ed.D.
Honorable Katy Sorenson, Vice Chairperson
Honorable Dorrin D. Rolle, Chair, Economic Development and Human Services Committee
Mr. Charles Anderson, Commission Auditor
Ms. Corrine Brody, Special Assistant, Strategic Management Initiatives
Ms. Yocasta Juliao, Project Director, Ryan White Title I Program
Ms. Vanessa Mills, Executive Director Empower U., Inc.
Inspector General Linda A. Keen, R.N., M.S., J.D.,
Florida Department of Health
Clerk of the Board (copy filed)

SUMMARY

The Office of the Inspector General (OIG) received information that a non-profit organization known as Empower U, Inc., (EU) located at 8309 N.W. 22nd Ave., Miami, FL., was allegedly billing the County for services that were never rendered. The information was based on a complaint initiated by a former EU employee. EU receives funding administered by the Miami-Dade County Office of Strategic Business Management (OSBM), through Project Director, Yocasta Juliao, to assist low income and minority persons with the HIV/AIDS virus. The funding is awarded through a federal source known as the "Ryan White Title I Program." Information regarding potential fraudulent billing practices by EU was also later reported to the OIG by the State Department of Health, which also administers funding to EU through the "Ryan White Title II Program."

The information received by the OIG from the above sources further alleged that EU's Chief Executive Director, Vanessa Mills, was instructing her staff to falsify EU encounters with clients who were incarcerated, institutionalized or otherwise lost to care (not coming in) and to enhance billing time for actual client encounters. It was further alleged that travel expenses for EU "Outreach" workers were falsely billed by EU employees who either did not have a valid driver's license or access to a vehicle.

A preliminary investigation was conducted by the OIG regarding the above allegations. The investigation focused on those clients receiving services from EU while incarcerated. The results of this review confirmed several instances of false and questionable billing regarding at least six (6) EU clients totaling \$1,809.74.

In addition to the false billing, the OIG found that Vanessa Mills, Chief Executive Officer of EU, on two occasions, falsely attested to her lack of a criminal conviction in the past ten (10) years. She was last convicted of the felony charge of Cocaine Possession on July 15, 1994.

Based on these findings, the OIG recommends that upon completion of the ongoing OSBM audit of EU and a determination of a specific reimbursable amount, EU is made accountable for the amount in full. Furthermore, the OIG recommends that the new contract, currently pending for Ryan White Year 14, be rescinded and future funding denied.

BACKGROUND

The Miami-Dade County OSBM is responsible for the disbursement of federal funds received from the Title I-HIV Emergency Relief Grant under the Ryan White Comprehensive AIDS Resource Emergency Act (C.A.R.E.), for health and support services for persons with HIV spectrum disease. OSBM disburses these funds to the providers through a request for proposal (RFP) process. Each service provider receiving grant monies thereby enters into a contract with Miami-Dade County for those funds.

The original contract with EU was awarded by the Miami-Dade Board of County Commissioners (BCC) when one of the original founder's of EU, Ms. Petera Johnson Hopson, was the Chief Executive Director. Ms. Johnson-Hopson died shortly after the funding was received. Thereafter, Vanessa Mills, the co-founder assumed the position of Chief Executive Officer. EU was initially awarded funding from "Ryan White Year 12" covering the period of June 29, 2002 through February 28, 2003, in the amount of \$105,140.00. Additional funds of \$39,583.00 were added during this contract period, totaling \$144,723.00. This contract was then extended for "Ryan White Year 13" until February 29, 2004, for another \$105,140.00. In May of 2003, Ms. Mills submitted a proposal requesting additional funding for EU. This additional funding was awarded to EU for the period of September 2003 to February 2004, in the amount of \$186,276.00, thereby totaling \$291,416.00 for the contract period of Year 13.

Currently, the EU contract for "Ryan White Year 14" is pending due to the ongoing investigation of false billing practices. The proposed award under this new contract would be approximately \$277,015.00.

EU is unique in relation to other service providers in Miami-Dade County under Ryan White Title I, in that EU is the only peer-based organization, representative of the African-American Community.

Currently, EU provides its clients with the following three (3) areas of service:

Case Management:

- Conduct a full assessment of the client's medical, financial, social, and other needs at initial intake
- Problem identification
- Care planning, including the use of other funding streams and service providers
- Management, coordination and implementation of services
- Client service monitoring and evaluation
- Secondary prevention services

Peer Education and Support Network (PESN): A PESN is an HIV positive peer available to provide “peer support” including:

- Client orientation and education of health and social services delivery systems
- Assisting with initial client intake, paperwork and applications for financial and medical eligibility
- Educating new clients on the process of what to expect when living with HIV/AIDS
- Physically walking clients through appointments for medical and other entitlements

Outreach Services: Designed to engage in HIV treatment programs for persons who are newly diagnosed and not receiving care and those who have disappeared from the system of care. Outreach Services includes:

- Working out in the community at locations where there might be HIV positive people
- Conducting brief intakes for new clients
- Conducting home visits and accompanying clients to first appointments for testing or until successfully engaged in care.

Services provided under each category are reimbursed by units of service. A unit of service is billed in quarter-hours (15 minutes) at the following rates per unit:

- Case Management: \$12.00
- PESN: \$ 6.18
- Out Reach: \$ 8.00

Case Management and PESN services are divided into the following service categories per client encounter:

- Face to Face Encounter (FFE)
- Telephone Encounter with client or client representative (TEC)
- Coordination and Referral Activity (CRA)
- Intramural Treatment Planning (ITP)
- Adherence Counseling (ADH)
- Home Visits (HOM)
- Plan of Care (POC)

Bills are prepared by the service provider through an automated system called the “Service Delivery Information System” (SDIS) and reimbursed monthly through OSBM. SDIS is a computerized system that was developed by a California

company, Automated Case Management Systems, Inc. (ACMS). ACMS was contracted by Miami-Dade County to develop SDIS for the sole purpose of managing the Ryan White Title I program in Miami-Dade County.

INVESTIGATION

Based on the above stated allegations, the OIG met with and interviewed various individuals that included OSBM administrators, EU employees and EU clients. Furthermore, case management documentation and billing documentation was obtained and reviewed. The OIG review focused on the period beginning March 2003 to February 2004. The targeted EU client group was those clients incarcerated during this service period. The review covered the services provided only in the areas of case management and PESN. The OIG review revealed that at least five EU clients were billed for services while they were incarcerated. It should be noted that in some instances the client would receive services that did not require face to face contact and, therefore, actual authenticity of these encounters could not be confirmed. In several instances, the OIG found case notes and billing for services which could not have been rendered under the client's circumstances and were confirmed as not received by the client, (client's EU number will be used to protect the identity of the client) as the following illustrates:¹

Client No.	CASE MANAGER				PESN				DATES JAILED
	DATE OF SERVICE	CASE WORKER	UNITS BILLED	TOTAL	DATE OF SERVICE	CASE WORKER	UNITS BILLED	TOTAL	
EU 01	12/22/03*	Salmon	4	\$48	12/16/03	Trimings			12/12/03
					12/18/03				to present
					01/16/03				
					02/03/04				
					02/04/04				
	3/11/04	Mills	12	\$144					

In the case of EU 01, this client was incarcerated on December 12, 2003. The case manager billed (under Ryan White Title I) for a file review and compliance to Title I criteria for 4 units on 12/22/03, totaling \$48.00, while this client was incarcerated. It appears from the case notes that the client was also being billed under Ryan White Title II, which is funded through the State of Florida, Department of Health. This client was also seen according to the case notes for FFE type encounters by the PESN on 12/16/03, 12/18/03, 1/16/04, 2/3/04 and

¹ The * (in yellow) indicates the date of the false encounter.

2/4/04. An FFE with the case manager (Mills) was recorded in the case notes on 3/11/04 and 12 units were billed for this encounter under the Title I program, totaling \$144.00. It should be noted that this billing period has not yet been submitted for payment, although a copy of this billing period was obtained by the OIG from EU.

CASE MANAGER					PESN				
Client No.	DATE OF SERVICE	CASE WORKER	UNITS BILLED	TOTAL	DATE OF SERVICE	CASE WORKER	UNITS BILLED	TOTAL	DATES JAILED
EU 14	10/10/03	Salmon	2	\$24	10/16/03	Jones	4	\$24.72	9/30/03
	10/20/03	Mills	4	\$48	11/7/03	Jones	4	\$24.72	to
	11/20/03	Mills	3	\$36	11/17/03	Jones	2	\$12.36	
	12/10/03	Mills	10	\$120	11/19/03*	Jones	5	\$30.90	12/4/03

Client EU 14, above, was billed for client activities on eight dates while incarcerated, although only on 11/19/03 was there a FFE involving services such as referrals to the "Daily Bread Food Bank" and "Neat Stuff" for clothing, which are services obviously unnecessary for someone in jail, for which \$30.90 was billed by the PESN.

CASE MANAGER					PESN				
Client No.	DATE OF SERVICES	CASE WORKER	UNITS BILLED	TOTAL	DATE OF SERVICE	CASE WORKER	UNITS BILLED	TOTAL	DATES JAILED
EU 17	4/16/03*	Mills	13	\$156.00	3/17/03*	Jones	10	\$61.80	3/9/03
	6/10/03		5	\$60.00	4/7/03*		2	\$12.36	
	7/14/03		2	\$24.00	5/12/03*	Trimming	10	\$61.80	
	7/21/03		7	\$84.00	5/20/03*	Jones	4	\$24.72	
	7/22/03		6	\$72.00	6/20/03*	Jones	5	\$30.90	to
	7/28/03		2	\$24.00	7/21/03		8	\$49.44	
					7/22/03		3	\$18.54	
					7/23/03		2	\$12.36	9/23/03
	12/18/03*		12	\$144.00					12/16/03
	12/23/03*		11	\$132.00	12/30/03*		3	\$18.54	to
	1/8/04*		10	\$120.00	1/14/04		8	\$49.44	Present
	1/13/04*		10	\$120.00					
	1/20/04*		10	\$120.00					
	2/12/04*		10	\$120.00					
	2/16/04*		12	\$144.00					

In the case of EU 17, on the preceding page, the client was in Dade County Jail (DCJ) from March 9, 2003 until September 23, 2003. EU 17 again entered DCJ on December 16, 2003, and is currently in jail. This client was billed by both the case manager and the PESN for encounters or billable activities during the periods of incarceration. After reviewing the client case notes retrieved from the SDIS, it was determined that on at least eight (8) different dates, the case manager billed for services that involved a FFE and other services that the client could not have received due to incarceration. In regards to the PESN, a review of the case notes revealed that on at least six (6) different dates the PESN billed for services that involved a FFE and other services that the client could not have received while incarcerated. For this client alone, the County was billed \$1,266.12 for services that were fictitious in nature. This information was also corroborated with a statement provided by the client.

The following two (2) clients EU 20 and EU 30 had some questionable billing by a PESN.

Client No.	CASE MANAGER				PESN				DATES JAILED
	DATE OF SERVICE	CASE WORKER	UNITS BILLED	TOTAL	DATE OF SERVICE	CASE WORKER	UNITS BILLED	TOTAL	
EU 20	3/5/03	Mills	13	\$156.00	4/2/03*	Jones	3	\$18.56	4/2/03 to 4/9/03
	4/14/03		11	\$132.00	4/4/03*		2	\$12.36	

Client EU 20, above, was billed by a PESN for the services of treatment planning, coordination and referral activities and a telephone encounter (TEC) on 4/2/03 and 4/4/03, during a short term incarceration from 4/4-4/9/03 for a total of \$30.92.

Client No.	CASE MANAGER				PESN				DATES JAILED
	DATE OF SERVICE	CASE WORKER	UNITS BILLED	TOTAL	DATE OF SERVICE	CASE WORKER	UNITS BILLED	TOTAL	
EU 30	2/18/04	Mills	10	\$120.00	4/4/03*	Jones	2	\$12.36	2/8- 4/9/03

Client EU 30, above, was billed by the PESN for treatment planning on 4/4/03 during a two month period of incarceration from 2/8/03-4/9/03, for a total of \$12.36.

Client No.	CASE MANAGER				PESN				
	DATE OF SERVICE	CASE WORKER	UNITS BILLED	TOTAL	DATE OF SERVICE	CASE WORKER	UNITS BILLED	TOTAL	DATES JAILED
EU 51	11/24/03	Salmon	9	\$108.00					
	11/28/03	Salmon	4	\$48.00					11/14/03
	2/10/04*	Mills	10	\$120.00					to
	2/11/04*	Salmon	9	\$108.00	2/11/04*	Jones	8	\$49.44	Present

Client EU 51, above, entered DCJ on November 14, 2003 and has been continuously in jail since this date. Activities regarding this client were billed for November 24th and 28th, after the client was incarcerated although the activities did not require a FFE. On 2/10/04, the client was billed for a FFE with the case manager for 10 units (2.5 hours) at \$120.00. The case notes for this encounter reflect that the client is a walk-in requesting assistance with shelter and clothing. On 2/11/04, the PESN billed 8 units for a "staffing" with the case manager who also billed 9 units, (4.25 hours) totaling \$157.44. This staffing discussed non-compliance of a client who has been lost to care, and recommended that the PESN go look for the client at places where the client may hang out. The lack of these services was confirmed with the client.

INTERVIEWS WITH EU STAFF

Vanessa Mills, Chief Executive Officer:

During the course of our investigation, the OIG also interviewed Vanessa Mills at the EU office. This interview was prompted by an e-mail sent by Ms. Mills to Yocasta Juliao, Project Director, Ryan White Title I Program, on May, 17, 2004. The e-mail, provided to the OIG by OSBM, stated that she (Mills) had discovered improper billing in the SDIS data system. According to the e-mail, improper billing had been input over the period of March 2003 to March 2004 by an employee who had recently been released by EU. Ms. Mills stated that she accepts full responsibility for these improper billings and is willing to make restitution to the Ryan White Title I Program.

On May 18, 2004, the OIG conducted an interview with Ms. Mills. Ms. Mills stated that she had provided an employee, whom she identified as Mark Trimmings, with her personal ID password to SDIS for work purposes, but had not reviewed any of the information input by Mr. Trimmings until recently.

Ms. Mills further stated that beginning in March 2004, under the new contract which is currently pending, she was no longer billing as a case manager. When reviewing the March 2004 bill run, she noticed that several client encounters had been billed under her ID number (1206) without her knowledge or permission. Ms. Mills claims that Mr. Trimmings had input false encounters into SDIS, creating the false billing in an effort to discredit her. According to Ms. Mills, she had already begun her own investigation into the matter. At that time, Ms. Mills was informed by OIG Special Agents that she should not proceed with her own internal investigation and should wait for direction from OSBM and Ms. Juliao.

Mark Trimmings - EU PESN/Case Manager:

Mr. Mark Trimmings was also interviewed by the OIG. Mr. Trimmings indicated that everything that he input into SDIS was at the direction of Ms. Mills and with her full knowledge. Mr. Trimmings stated that he handled most of Ms. Mills' client encounters personally and was instructed by Ms. Mills, as were other EU employees, to bill each day for at least 28-30 units per day which averages to about 7 hours of billable services. In order to obtain this goal, Mr. Trimmings stated that information regarding encounters would be made up. Oftentimes, a client's name would be forged on the receipt of encounter or the client would be asked to sign blank receipts in advance. According to Mr. Trimmings, EU employees were not allowed to print the case notes input in SDIS for encounters (printing an entry would lock in the information in the SDIS system according to the ACMS representative) until a billing report was run by Ms. Mills at the end of each month. Additional services would then be added to meet the desired amount by Ms. Mills or another employee, Theresa Jones.

Based on the above information, Ms. Juliao began an audit of EU on May 20, 2004. *Please refer to OSBM's response, Appendix A, for the status of the audit.*

FINDINGS & RECOMMENDATION

Based on the OIG preliminary investigation, the OIG found that there is strong evidence to confirm the allegations of false billing against EU. Although Ms. Mills implies that only EU employee Mark Trimmings has input false information into SDIS, the OIG found that at least two (2) other EU employees, Theresa Jones and Elise Salmon, have also entered false information into SDIS.

During the course of this investigation, the OIG found that EU's Chief Executive Officer, Vanessa Mills, has a criminal record. Ms. Mills was last convicted of a felony offense in July 5, 1994, which is contrary to what she attested to, having signed the Miami-Dade Criminal Record Affidavit, of the EU "Continuation

Contract,” on May 6, 2003, and the “New Contract” for “Ryan White Year 13,” signed by Ms. Mills on January 8, 2004.²

The OIG believes that with respect Ryan White Title I clients, OSBM, through its established program for administering these funds, is best suited to relate program requirements and program assistance to the intended serviced community. This is especially true in light of confidentiality standards, and would further determine the extent of the false billing practices.

Additionally, based on the OIG’s initial findings pertaining to incarcerated clientele only, we recommend that OSBM continue with its ongoing audit of EU’s billing records. OSBM may also want to review the submitted mileage reports. OSBM may want to review EU’s Outreach Services program, which was not addressed by the OIG in this investigation. When OSBM completes the audit and has determined the extent of false billing, EU must then be held fully accountable for the entire amount. Furthermore, the OIG recommends that the current pending contract be rescinded and future funding denied.

The OIG will be forwarding a copy of this report to the Florida Department of Health Inspector General, as EU also receives state administered funding through the Ryan White Title II Program.

APPENDIX

1. Draft notification letter to Ms. Jennifer Glazer-Moon, Director Designee, Office of Strategic Business Management.

Response received from OSBM.

2. Draft notification letter to Ms. Vanessa Mills, Executive Director, Empower U, Inc.

Response received from Empower U, including attachments.

² Ms. Mills did receive clemency on her criminal convictions, including her July 15, 1994 conviction for Cocaine Possession. She received an order of clemency on December 11, 2003. The OIG notes, however, that clemency does not automatically equate to expunction of one’s criminal record.