

**IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
Civil Division**

DISTRICT OF COLUMBIA,
a municipal corporation,
441 Fourth Street, N.W.
Washington, D.C. 20001,

Plaintiff,

v.

BEATRICE ASHAOLU
7600 Georgia Avenue, N.W.
Apartment 301
Washington, D.C. 20012,

Defendant.

Civil Action No.: _____

JURY TRIAL DEMANDED

FALSE CLAIMS ACT COMPLAINT AND JURY DEMAND

The District of Columbia (District), by its Office of the Attorney General, brings this action against Defendant Beatrice Ashaolu pursuant to the District's False Claims Act, D.C. Code § 2-381.02(a) and common law, seeking treble damages and civil penalties. The District alleges as follows:

Jurisdiction

1. This Court has subject matter jurisdiction of this case pursuant to D.C. Code § 11-921, as this action is brought by the District, and D.C. Code § 2-381.02, as the District asserts claims arising under the False Claims Act.

2. This Court has personal jurisdiction over Defendant Ashaolu pursuant to D.C. Code §§ 13-423(a)(1) and (3).

The Parties

3. The District, a municipal corporation empowered to sue and be sued, is the local government for the territory constituting the permanent seat of the government of the United States. The District is represented by and through its chief legal officer, the Attorney General for the District of Columbia. The Attorney General has general charge and conduct of all legal business of the District and all suits initiated by and against the District and is responsible for upholding the public interest. D.C. Code §§ 1-301.81(a)(1), 2-381.03.

4. Defendant Beatrice Ashaolu is an individual currently residing at 7600 Georgia Avenue, N.W., Apartment 301, Washington, D.C. 20012. At all times relevant to the events in this complaint, Defendant Ashaolu was employed as a personal care aide (PCA) by three home health care agencies that were District Medicaid providers.

District of Columbia False Claims Act

5. The District's False Claims Act provides that:

(a) Any person who commits any of the following acts shall be liable to the District for three times the amount of damages which the District sustains because of the act of that person. A person who commits any of the following acts shall also be liable to the District for the costs of a civil action brought to recover penalties or damages, and shall not be liable to the District for a civil penalty of not less than \$5,500, and not more than \$11,000, for each false or fraudulent claim for which the person:

(1) Knowingly presents, or causes to be presented, a false or fraudulent claim for payment or approval;

(2) Knowingly makes, uses, or causes to be made or used, a false record or statement material to a false or fraudulent claim

D.C. Code § 2-381.02 (2013).

6. The District’s False Claims Act defines “[k]nowing” or “knowingly” to mean:

(A) That a person, with respect to information, does any of the following:

- (i) Has actual knowledge of the information;
- (ii) Acts in deliberate ignorance of the truth or falsity of the information; or
- (iii) Acts in reckless disregard of the truth or falsity of the information.

(B) The terms “knowing” and “knowingly” do not require proof of specific intent to defraud.

D.C. Code § 2-381.01(7).

7. The District’s False Claims Act defines “material” to mean “having a natural tendency to influence, or be capable of influencing, the payment or receipt of money or property.” D.C. Code § 2-381.01(8).

The District’s Medicaid Program

8. The District’s Medicaid program is a health care benefits program that provides low income District residents with medical benefits and services and is jointly funded by the federal government and the District. The District’s Department of Health Care Finance (DHCF) administers the District’s Medicaid program with guidance from the Centers for Medicare and

Medicaid Services, an agency within the United States Department of Health and Human Services.

9. The District's Medicaid program provides reimbursement for personal care aide services (PCA services) provided by individuals to Medicaid beneficiaries in their homes. PCA services are non-medical, health-related services provided to assist individuals with disabilities, individuals with chronic or temporary conditions, and the elderly, in order to enable them to remain in a home setting and avoid long-term inpatient stays in hospitals and nursing homes.

10. In the District, PCAs typically work for home health care agencies that are enrolled as providers in the District's Medicaid program. These agencies bill the Medicaid program for services on the PCAs' behalf.

11. All District Medicaid providers, including PCA service providers, must retain fiscal and medical records that fully document services billed to the Medicaid program for five years from the date of service.

12. The District's Medicaid program requires providers of PCA services to retain timesheets that contain the name of the PCA, the name of the Medicaid beneficiary, the dates of service, the amount of time spent with the Medicaid beneficiary, the services performed by the PCA on each date, and the Medicaid beneficiary's signature agreeing that the services were performed. Home health care agencies and DHCF use the number of hours spent providing PCA services to a Medicaid beneficiary to calculate the

amount of reimbursement to the home health care agency. In turn, the home health care agency uses the timesheets to determine a PCA's reimbursement. The accuracy of the timesheets is material to the District's Medicaid program's decision to pay claims for PCA services.

Defendant Ashaolu's False Claims and Statements

13. From April 19, 2014, through March 31, 2016, Defendant Ashaolu caused false claims to be submitted to the District's Medicaid program for PCA services she did not provide. Defendant Ashaolu signed and submitted multiple timesheets that claimed she worked overlapping hours for multiple Medicaid beneficiaries on the same day. Other timesheets show that she purported to have rendered services to a Medicaid beneficiary in the District during times she was traveling internationally.

Defendant Ashaolu's False Claims For Beneficiaries S.C. and A.G.

14. From April 19, 2014, through July 31, 2014, Defendant Ashaolu submitted timesheets to Ideal Nursing Services, Incorporated (Ideal), and Immaculate Health Care Services, Incorporated (Immaculate), indicating that she provided PCA services to beneficiary S.C. and beneficiary A.G.

15. Defendant Ashaolu purported to work 930 hours on 62 days from April 19, 2014, through July 31, 2014, and caused the District's Medicaid program to be billed for 930 hours of PCA services for beneficiaries S.C. and A.G. On each day, Defendant Ashaolu alleged to have provided PCA

services to the beneficiaries during overlapping hours. (*See* Table 1 attached as Exhibit A.)

16. Ideal submitted claims to DHCF for PCA services allegedly provided to beneficiary S.C. by Defendant Ashaolu from April 19, 2014, through July 31, 2014. Ideal used Ashaolu's timesheets to calculate the amount of reimbursement from DHCF, and DHCF paid Ideal a total of \$8,630.40 for services to S.C.

17. Immaculate submitted claims to DHCF for PCA services allegedly provided to beneficiary A.G. by Defendant Ashaolu from April 19, 2014, through July 31, 2014. Ideal used Ashaolu's timesheets to calculate the amount of reimbursement from DHCF, and DHCF paid Ideal a total of \$7,328.76 for services to A.G.

Defendant Ashaolu's False Claims For Beneficiaries R.B. and C.S.

18. From February 24, 2015, through April 26, 2015, Defendant Ashaolu submitted timesheets to Ideal and Capitol View Home Health Care (Capitol View) indicating that she provided PCA services to beneficiary R.B. and beneficiary C.S.

19. Defendant Ashaolu purported to work 226 hours on 23 days from February 24, 2015, through April 26, 2015, and caused the District's Medicaid program to be billed for 226 hours of PCA services for beneficiaries R.B. and C.S. On each day, Defendant Ashaolu alleged to have provided PCA

services to the beneficiaries during overlapping hours. (*See* Table 2 attached as Exhibit B.)

20. Ideal submitted claims to DHCF for PCA services allegedly provided to beneficiary R.B. by Defendant Ashaolu from February 24, 2015, through April 26, 2015. Ideal used Ashaolu's timesheets to calculate the amount of reimbursement from DHCF, and DHCF paid Ideal a total of \$1,736.96 for services to R.B.

21. Capitol View submitted claims to DHCF for PCA services allegedly provided to beneficiary C.S. by Defendant Ashaolu between February 24, 2015, and April 26, 2015. Ideal used Ashaolu's timesheets to calculate the amount of reimbursement from DHCF, and DHCF paid Ideal a total of \$2,529.92 for services to C.S.

Defendant Ashaolu's False Claims For Beneficiaries W.W. and L.M.

22. From February 1, 2016, through March 31, 2016, Defendant Ashaolu submitted timesheets to Ideal and Capitol View indicating that she provided PCA services to beneficiary W.W. and beneficiary L.M.

23. Defendant Ashaolu purported to work 592 hours on 37 days from February 1, 2016 through March 31, 2016, and caused the District's Medicaid program to be billed for 592 hours of PCA services for beneficiaries W.W. and L.M. On each day, Defendant Ashaolu alleged to have provided PCA services to the beneficiaries during overlapping hours. (*See* Table 3 attached as Exhibit C.)

24. Ideal submitted claims to DHCF for PCA services allegedly provided to beneficiary W.W. by Defendant Ashaolu from February 1, 2016, through March 31, 2016. Ideal used Ashaolu's timesheets to calculate the amount of reimbursement from DHCF, and DHCF paid Ideal a total of \$5,943.68 for services to W.W.

25. Capitol View submitted claims to DHCF for PCA services allegedly provided to beneficiary L.M. by Defendant Ashaolu from February 1, 2016, through March 31, 2016. Capitol View used Ashaolu's timesheets to calculate the amount of reimbursement from DHCF, and DHCF paid Capitol View a total of \$5,863.36 for services to L.M.

Defendant Ashaolu's False Claims While Out of the Country

26. Defendant Ashaolu submitted timesheets to Ideal for PCA services for a Medicaid beneficiary in the District during times she was out of the country. Department of Homeland Security records show that Defendant Ashaolu boarded an outbound flight from John F. Kennedy Airport (JFK), New York, to Morocco on December 11, 2015, and that she returned to JFK from Morocco on January 9, 2016.

27. From December 11, 2015, through January 8, 2016, Defendant Ashaolu claimed to have provided PCA services to W.W., a Medicaid beneficiary. Defendant Ashaolu submitted timesheets to Ideal alleging that she provided services to W.W. from 8a.m. to 4p.m. on the following dates:

December 11, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 28, 29, 30, and 31, 2015, and January 1, 4, 5, 6, 7, and 8, 2016.

28. Ideal submitted claims to DHCF for PCA services allegedly provided to beneficiary W.W. by Defendant Ashaolu from December 11, 2015, through January 8, 2016. Ideal used Ashaolu's timesheets to calculate the amount of reimbursement from DHCF, and DHCF paid Ideal a total of \$3,360.00 for services to W.W.

COUNT I
False Claims Act – False Claims
D.C. Code § 2-381.02(a)(1)

29. The allegations of paragraphs 1 through 28 are realleged as if fully set forth herein.

30. Defendant Ashaolu knowingly presented and caused to be presented false or fraudulent claims to the District's Medicaid program for payment or approval by billing for PCA services that she never rendered.

31. As a result of Defendant Ashaolu's false claims, the District was damaged in an amount to be determined at trial and therefore is entitled to treble damages under the False Claims Act, plus a civil penalty of \$5,500 to \$11,000 for each false claim.

COUNT II
False Claims Act – False Records and Statements
D.C. Code § 2-381.03(a)(2)

32. The allegations of paragraphs 1 through 28 are realleged as if fully set forth herein.

33. Defendant Ashaolu knowingly made, used, and caused to be made or used false records or statements material to false or fraudulent claims to the District's Medicaid program by falsely stating and representing in timesheets that she had provided PCA services to Medicaid beneficiaries when in fact she had not rendered such services.

34. As a result of Defendant's use of these false records or statements, the District was damaged in an amount to be determined at trial and therefore is entitled to treble damages under the False Claims Act, plus a civil penalty of \$5,500 to \$11,000 for each false record or statement.

COUNT III
Unjust Enrichment

35. The allegations of paragraphs 1 through 28 are realleged as if fully set forth herein.

36. By directly or indirectly obtaining government funds from the District's Medicaid program to which she was not entitled, Defendant Ashaolu was unjustly enriched to the District's detriment.

Prayer for Relief

Wherefore, the District respectfully requests that the Court enter judgment in its favor and against Defendant Ashalou, and award damages and penalties as follows:

(1) On Counts One and Two against Defendant Ashaolu, award the District treble statutory damages in an amount to be determined at trial, but not less than \$106,179.24 (three times \$35,393.08), and civil penalties of not

less than \$5,500 and not more than \$11,000, payable to the District, for each violation of the District's False Claims Act;

(2) On Count Three against Defendant Ashaolu, award the District actual damages in an amount to be determined at trial, but not less than \$35,393.08;

(3) Award the District interest, costs, and other recoverable fees and expenses permitted by law; and

(4) Award the District such further and additional relief as the Court may deem just and proper.

Jury Demand

The District of Columbia hereby demands a trial by jury by the maximum number of jurors permitted by law.

Date: September 28, 2018

Respectfully submitted,

KARL A. RACINE
Attorney General for the District of
Columbia

ROBYN R. BENDER
Deputy Attorney General
Public Advocacy Division

/s/ Catherine A. Jackson
CATHERINE A. JACKSON
D.C. Bar No. 1005415
Chief, Public Integrity Section

/s/ Linda Monroe
LINDA MONROE
D.C. Bar No. 492674
Assistant Attorney General
Suite 630-South
441 Fourth Street, N.W.
Washington, D.C. 20001
(202) 442-9886; linda.monroe@dc.gov

Attorneys for the District of Columbia

EXHIBIT A

TABLE 1

Date	Ideal Hours Submitted	Immaculate Hours Submitted	DHCF Payment to Ideal	DHCF Payment to Immaculate
4/19/14	7a-3p	10a-5p	139.20	121.80
4/20/14	7a-3p	10a-5p	139.20	121.80
4/26/14	8a-4p	10a-5p	139.20	121.80
4/27/14	8a-4p	10a-5p	139.20	121.80
4/28/14	7a-3p	10a-5p	139.20	114.24
4/29/14	7a-3p	10a-5p	139.20	114.24
4/30/14	7a-3p	10a-5p	139.20	114.24
5/1/14	7a-3p	10a-5p	139.20	114.24
5/2/14	7a-3p	10a-5p	139.20	114.24
5/7/14	7a-3p	10a-5p	139.20	114.24
5/8/14	7a-3p	10a-5p	139.20	114.24
5/9/14	7a-3p	10a-5p	139.20	114.24
5/10/14	7a-3p	10a-5p	139.20	114.24
5/11/14	7a-3p	10a-5p	139.20	114.24
5/12/14	7a-3p	10a-5p	139.20	114.24
5/13/14	7a-3p	10a-5p	139.20	114.24
5/14/14	7a-3p	10a-5p	139.20	114.24
5/16/14	7a-3p	10a-5p	139.20	114.24
5/19/14	7a-3p	10a-5p	139.20	114.24
5/20/14	7a-3p	10a-5p	139.20	114.24
5/21/14	7a-3p	10a-5p	139.20	114.24
5/22/14	7a-3p	10a-5p	139.20	114.24
5/23/14	7a-3p	10a-5p	139.20	114.24
5/26/14	7a-3p	10a-5p	139.20	114.24
5/27/14	7a-3p	10a-5p	139.20	114.24
5/28/14	7a-3p	10a-5p	139.20	114.24
5/29/14	7a-3p	10a-5p	139.20	65.28
5/30/14	7a-3p	10a-5p	139.20	121.80
6/2/14	7a-3p	10a-5p	139.20	121.80
6/3/14	7a-3p	10a-5p	139.20	121.80
6/4/14	7a-3p	10a-5p	139.20	121.80
6/5/14	7a-3p	10a-5p	139.20	121.80
6/6/14	7a-3p	10a-5p	139.20	121.80
6/23/14	7a-3p	10a-5p	139.20	121.80
6/24/14	7a-3p	10a-5p	139.20	121.80
6/25/14	7a-3p	10a-5p	139.20	121.80
6/26/14	7a-3p	10a-5p	139.20	121.80

6/27/14	7a-3p	10a-5p	139.20	121.80
6/30/14	7a-3p	10a-5p	139.20	121.80
7/1/14	7a-3p	10a-5p	139.20	121.80
7/2/14	7a-3p	10a-5p	139.20	121.80
7/3/14	7a-3p	10a-5p	139.20	121.80
7/4/14	7a-3p	10a-5p	139.20	121.80
7/7/14	7a-3p	10a-5p	139.20	121.80
7/8/14	7a-3p	10a-5p	139.20	121.80
7/9/14	7a-3p	10a-5p	139.20	121.80
7/10/14	7a-3p	10a-5p	139.20	121.80
7/11/14	7a-3p	10a-5p	139.20	121.80
7/14/14	7a-3p	10a-5p	139.20	121.80
7/15/14	7a-3p	10a-5p	139.20	121.80
7/16/14	7a-3p	10a-5p	139.20	121.80
7/17/14	7a-3p	10a-5p	139.20	121.80
7/18/14	7a-3p	10a-5p	139.20	121.80
7/21/14	7a-3p	10a-5p	139.20	121.80
7/22/14	7a-3p	10a-5p	139.20	121.80
7/23/14	7a-3p	10a-5p	139.20	121.80
7/24/14	7a-3p	10a-5p	139.20	121.80
7/25/14	7a-3p	10a-5p	139.20	121.80
7/28/14	7a-3p	10a-5p	139.20	121.80
7/29/14	7a-3p	10a-5p	139.20	121.80
7/30/14	7a-3p	10a-5p	139.20	121.80
7/31/14	7a-3p	10a-5p	139.20	121.80
Total			\$8,630.40	\$7,328.76

EXHIBIT B

TABLE 2

Date	Ideal Hours Submitted	Capitol View Hours Submitted	DHCF Payment to Ideal	DHCF Payment to Capitol View
2/24/15	8a-12p	9a-3p	75.52	113.28
2/26/15	8a-12p	9a-3p	75.52	113.28
3/3/15	8a-12p	9a-3p	75.52	113.28
3/5/15	8a-12p	9a-3p	75.52	113.28
3/12/15	8a-12p	9a-3p	75.52	113.28
3/17/15	8a-12p	9a-3p	75.52	113.28
3/19/15	8a-12p	9a-3p	75.52	113.28
4/1/15	8a-12p	9a-5p	75.52	151.04
4/2/15	8a-12p	9a-3p	75.52	113.28
4/4/15	8a-12p	9a-2p	75.52	94.40
4/5/15	8a-12p	9a-2p	75.52	94.40
4/7/15	8a-12p	9a-3p	75.52	113.28
4/9/15	8a-12p	9a-3p	75.52	113.28
4/11/15	8a-12p	9a-2p	75.52	94.40
4/12/15	8a-12p	9a-2p	75.52	94.40
4/14/15	8a-12p	9a-3p	75.52	113.28
4/16/15	8a-12p	9a-3p	75.52	113.28
4/18/15	8a-12p	9a-2p	75.52	94.40
4/19/15	8a-12p	9a-2p	75.52	94.40
4/21/15	8a-12p	9a-3p	75.52	113.28
4/23/15	8a-12p	9a-3p	75.52	113.28
4/25/15	8a-12p	9a-3p	75.52	113.28
4/26/15	8a-12p	9a-3p	75.52	113.28
Total			\$1,736.96	\$2,529.92

EXHIBIT C

TABLE 3

Date	Ideal Hours Submitted	Capitol View Hours Submitted	DCHF Payment to Ideal	DCHF Payment to Capitol View
2/1/16	8a-4p	8a-4p	160.64	160.64
2/2/16	8a-4p	8a-4p	160.64	160.64
2/3/16	8a-4p	8a-4p	160.64	160.64
2/4/16	8a-4p	8a-4p	160.64	80.32
2/5/16	8a-4p	8a-4p	160.64	160.64
2/8/16	8a-4p	8a-4p	160.64	160.64
2/9/16	8a-4p	8a-4p	160.64	160.64
2/10/16	8a-4p	8a-4p	160.64	160.64
2/17/16	8a-4p	8a-4p	160.64	160.64
2/18/16	8a-4p	8a-4p	160.64	160.64
2/19/16	8a-4p	8a-4p	160.64	160.64
2/24/16	8a-4p	8a-4p	160.64	160.64
2/25/16	8a-4p	8a-4p	160.64	160.64
2/26/16	8a-4p	8a-4p	160.64	160.64
3/1/16	8a-4p	8a-4p	160.64	160.64
3/2/16	8a-4p	8a-4p	160.64	160.64
3/3/16	8a-4p	8a-4p	160.64	160.64
3/4/16	8a-4p	8a-4p	160.64	160.64
3/7/16	8a-4p	8a-4p	160.64	160.64
3/8/16	8a-4p	8a-4p	160.64	160.64
3/9/16	8a-4p	8a-4p	160.64	160.64
3/10/16	8a-4p	8a-4p	160.64	160.64
3/11/16	8a-4p	8a-4p	160.64	160.64
3/14/16	8a-4p	8a-4p	160.64	160.64
3/15/16	8a-4p	8a-4p	160.64	160.64
3/16/16	8a-4p	8a-4p	160.64	160.64
3/17/16	8a-4p	8a-4p	160.64	160.64
3/18/16	8a-4p	8a-4p	160.64	160.64
3/21/16	8a-4p	8a-4p	160.64	160.64
3/22/16	8a-4p	8a-4p	160.64	160.64
3/23/16	8a-4p	8a-4p	160.64	160.64
3/24/16	8a-4p	8a-4p	160.64	160.64
3/25/16	8a-4p	8a-4p	160.64	160.64
3/28/16	8a-4p	8a-4p	160.64	160.64
3/29/16	8a-4p	8a-4p	160.64	160.64

3/30/16	8a-4p	8a-4p	160.64	160.64
3/31/16	8a-4p	8a-4p	160.64	160.64
Total			\$5,943.68	\$5,863.36