



U.S. Department of Justice

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FOR IMMEDIATE RELEASE

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PRESS RELEASE

**NINE THERAPISTS ARRESTED IN SCHEME TO DEFRAUD PROGRAM FOR
DEVELOPMENTALLY DISABLED CHILDREN**

***Defendants Billed New York State Early Intervention Program More Than \$3 Million For
Therapy Sessions That Never Occurred***

A criminal complaint was unsealed today in federal court in Brooklyn charging Marsiste Adolphe, Margaret Dominique-McLain, Mercedes Falcon, Tracy Gibson, Roselee Johnson, Jeannette Monclova, Manuel Moore, Kikelomo Ogundiran, and Dino Paolicelli with stealing more than \$3 million from the New York State Early Intervention Program (the "EIP"), including more than \$993,000 from Medicaid and more than \$1,998,000 from the New York City Department of Health and Mental Hygiene ("NYC DOHMH"), an agency that receives federal funds. The EIP is a New York State program that provides remedial services to developmentally delayed children from birth to age three, such as physical therapy, occupational therapy, speech therapy, special instruction and social work services. The defendants, all EIP therapists, were arrested earlier today and are scheduled to make their initial appearance this afternoon before United States Chief Magistrate Judge Cheryl L. Pollak.

Breon Peace, United States Attorney for the Eastern District of New York, Michael J. Driscoll, Assistant Director-in-Charge, Federal Bureau of Investigation, New York Field Office (FBI), and Margaret Garnett, Commissioner, New York City Department of Investigation (DOI), announced the charges.

"As alleged, the defendants exploited disabled infants and toddlers, the youngest and most vulnerable among us, to enrich themselves by millions of dollars," stated United States Attorney Peace. "This Office and our law enforcement partners will continue to vigorously protect government programs from fraud and abuse that not only hurts taxpayers, but also deprives developmentally delayed children from receiving much-needed services." Mr. Peace also thanked the office of the Special Commissioner of Investigation for the New York City School District for its assistance on the case.

“Defrauding government programs produces a ripple effect that trickles down to taxpayers who foot the bill for fraud schemes. In this case, however, the defendants not only stole money from the system itself, they also prevented children with EIPs from accessing the amount of care they were authorized to receive, as alleged. When systems designed to help our most vulnerable are manipulated in this way, rest assured federal charges will be applied,” stated FBI Assistant Director-in-Charge Driscoll.

“This criminal case exemplifies the broad and damaging impact of corruption. These nine defendants not only stole more than \$3.3 million in public funds but also robbed more than 200 New York City children of essential Early Intervention services they were entitled to receive, according to the charges. The City Department of Health and Mental Hygiene (DOHMH) was instrumental in identifying billing discrepancies involving Early Intervention specialists and then referring them to DOI for further investigation. I thank our law enforcement partners, the FBI and the U.S. Attorney’s Office for the Eastern District of New York for their collaboration on this important investigation; and the DOHMH for spotting the inconsistencies and immediately referring them. This type of cooperation among agencies and law enforcement is essential in combatting corruption,” stated DOI Commissioner Garnett.

As set forth in the complaint, between January 1, 2015 and June 30, 2019, the defendants allegedly submitted fraudulent documentation for thousands of EIP therapy sessions that never took place. The defendants collectively received millions of dollars as payments for these non-existent EIP therapy sessions. In addition, because each EIP recipient is only entitled to a fixed number of sessions, fraudulently billing for sessions that do not take place deprives disabled infants and toddlers of EIP therapy sessions they are entitled to receive.

For example, Adolphe claimed to provide EIP therapy sessions every single day of 2016, including on Christmas and Thanksgiving. Gibson claimed to provide EIP therapy sessions every day from April 2, 2017 to July 31, 2018. Between May 8, 2016 and September 8, 2018, a period of 854 days, Manuel Moore claimed to provide EIP therapy sessions every day except January 4, 2018. Paolicelli claimed to provide EIP therapy sessions a total of 1,086 days out of 1,096 days between January 1, 2016 and December 31, 2018. Falcon claimed to provide EIP therapy sessions from early in the morning and until late into the evening — sometimes claiming that sessions began at 4:00 a.m. or ended at 3:00 a.m. The evidence also revealed that Ogundiran’s travel records reflected that she billed for at least 300 EIP therapy sessions at times when she was not in New York. Moore’s cell phone records reflected that he was not in the area of claimed EIP sessions on at least 6,025 sessions, and Falcon’s phone records also reflected that she was not in the area of claimed EIP sessions on at least 6,100 occasions.

The charges in the complaint are allegations, and the defendants are presumed innocent unless and until proven guilty. If convicted, they each face a statutory maximum of 10 years of imprisonment.

The government’s case is being handled by the Office’s Public Integrity Section. Assistant United States Attorneys Kaitlin Farrell and Jonathan Siegel are in charge of the prosecution.

The Defendants:

MARSISTE ADOLPHE

Age: 58

Brooklyn, New York

MERCEDES FALCON

Age: 57

Brooklyn, New York

KIKELOMO OGUNDIRAN

Age: 54

Dix Hills, New York

MANUEL MOORE

Age: 36

Manhattan, New York

ROSELEE JOHNSON

Age: 73

Brooklyn, New York

JEANETTE MONCLOVA

Age: 69

North Bellmore, New York

MARGARET DOMINIQUE-MCLAIN

Age: 54

Mastic, New York

TRACY GIBSON

Age: 37

Queens, New York

DINO PAOLICELLI

Age: 58

Staten Island, New York

E.D.N.Y. Docket No. 21-MJ-1205