

CRIMINAL COURT OF THE CITY OF NEW YORK
PART AR : COUNTY OF BRONX

THE PEOPLE OF THE STATE OF NEW YORK

-against-

- (1) **LESLIE MONTGOMERY,**
- (2) **HEALTHY LIVING, INC.,**

Defendants.

FELONY COMPLAINT
DOCKET # _____

STATE OF NEW YORK)
COUNTY OF BRONX) ss.:

Investigator Shavaun Clawson, Shield# 4141, of the Office of the New York State Attorney General, Medicaid Fraud Control Unit, being duly sworn, deposes and says as follows:

On, about and between September 1, 2018 and November 2, 2019, in the County of Bronx and elsewhere in the State of New York, the defendants committed the offenses of:

Count 1 GRAND LARCENY IN THE FIRST DEGREE -- PL §155.42 (B Felony)

Counts 2-7 IDENTITY THEFT IN THE FIRST DEGREE -- PL §190.80(1) (D Felony)

IN THAT THE DEFENDANTS, acting in concert, (1) with intent to deprive another of property and to appropriate the same to themselves or to a third person, wrongfully took, obtained and withheld such property valued in excess of one million dollars (\$1,000,000) from an owner thereof; and (2) knowingly and with intent to defraud used the personal identifying information of another person, and thereby obtained goods, money, property, or services or used credit in the name of such other person in an aggregate amount that exceeded two thousand dollars.

The offenses were committed under the following circumstances:

On, about, and between the aforementioned dates, **LESLIE MONTGOMERY**, individually and as a high managerial agent acting within the scope of her employment and on behalf of **HEALTHY LIVING, INC.**, and **HEALTHY LIVING, INC.**, acting in concert and aided and abetted by each other and by others known and unknown, stole more than one million dollars from MetroPlus, a Managed Care Organization (“MCO”) funded by the New York State Medical Assistance Program (“Medicaid”), by submitting, and causing to be submitted, claims for reimbursement which falsely represented that services were provided

consistent with all rules and regulations of the Medicaid program when in fact they were not; to wit:

LESLIE MONTGOMERY, the owner of HEALTHY LIVING, INC., a purported medical and community center with locations in Bronx County, posted online advertisements offering housing assistance to low-income New Yorkers in exchange for visiting a clinic location. Induced to visit HEALTHY LIVING, INC., Medicaid recipients were required to divulge their personal identifying information, specifically their Medicaid Client Identification Numbers (“CINs”), and to submit to unnecessary medical examinations in order to “qualify” for the purported housing program. These Medicaid recipients did not receive housing. Instead, LESLIE MONTGOMERY and HEALTHY LIVING, INC. used their CIN numbers to submit claims for reimbursement to MetroPlus for medically unnecessary, highly specialized, and custom-molded back braces.

During the aforementioned period, HEALTHY LIVING, INC. was not a licensed by the New York State Department of Health (“DOH”) to dispense Durable Medical Equipment (“DME”); a requirement to provide the aforementioned back braces and to submit claims for reimbursement to Medicaid or to any Medicaid funded MCO. Furthermore, LESLIE MONTGOMERY and HEALTHY LIVING, INC. did not supply what they claimed to have dispensed, to wit: if they supplied anything at all, they dispensed a generic “off-the-shelf” back brace ordered and mailed directly from Amazon, costing approximately \$20.00 each, and submitted claims for reimbursement to MetroPlus for two different highly specialized, custom-molded back braces for which Medicaid reimbursed at rates of \$1,550.00 and \$750.00 each.

During the aforementioned period, LESLIE MONTGOMERY and HEALTHY LIVING, INC. submitted claims for reimbursement to MetroPlus for the aforementioned custom-molded back braces for approximately 99 percent of their “patients”. During this said period, relying on the accuracy of these claims, MetroPlus paid LESLIE MONTGOMERY and HEALTHY LIVING, INC. over \$4 million dollars, to which they were not entitled (Count 1).

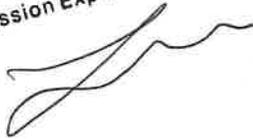
LESLIE MONTGOMERY and HEALTHY LIVING, INC. knowingly used the CIN numbers of six (6) Medicaid recipients known to MFCU, without their permission or authority, in order to submit fictitious claims for reimbursement on their behalves and received payment from MetroPlus in excess of \$2,000 per each recipient (Counts 2-7).

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The above allegations of fact are made by the deponent herein upon direct knowledge and upon information and belief, with the sources of deponent's information and the ground for her belief being a review of the files and documents maintained by MFCU as well as conversations with, and audit analysis completed, by MFCU Audit-Investigators, conversations with various witnesses, documents submitted to MetroPlus, and documents known to this deponent.

Sworn to before me this
08 day of October 2020

AFROZA YEASMIN
NOTARY PUBLIC-STATE OF NEW YORK
No. 02YE6367364
Qualified in Bronx County
My Commission Expires 11-27-2021



Investigator Shavaun Clawson
Medicaid Fraud Control Unit
Office of the Attorney General
State of New York

**False Statements Made Herein Are Punishable As A Class A Misdemeanor
Pursuant To Section 210.45 Of The Penal Law.**