



**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

INVESTIGATIVE REPORT

Office: Miami		Date of Complaint: 06/21/06		Complaint Number: ME 2005-64908	
Subject: YUSUF RAJABALEE, MD 14805 SW 97 th Court Miami, Florida 33176 Tel: (305) 265-6683			Source: AHCA/MEDICAID PROGRAM INTEGRITY DEBORAH BARKER, Program Administrator 2727 Mahan Drive, Mail Stop, #6 Tallahassee, Florida 32308 Tel (850) 921-1802		
Prefix: ME	License : 43820	Profession: PHYSICIAN	Board: MEDICINE	Report Date: 11/02/06	
Period of Investigation: 06/28/06 to 11/02/06			Type of Report: FINAL		
Alleged Violation: Chapter 458.331(1)(t) F.S. (1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2) (t) Notwithstanding s. 456.072(2) but as specified in s. 456.50(2):					
<p>Synopsis: This investigation is predicated upon receipt of an MPI report (UCF and attachments, Exhibit #1) submitted by BARKER from AHCA/MPI's office in regards to RAJABALEE. The report received via a letter dated 09/20/05 indicates that RAJABALEE, a psychiatrist was placed on pre-payment review in August 2005 due to a rapid increase in pharmacy claims. It is alleged that a review of RAJABALEE's prescribing patter from 01/01/04 through 05/30/05 indicates the prescribing of duplicative antipsychotic drugs, as well as the prescribing of many drugs, including HIV drugs, which are highly divertible. In addition, on-site visits to several of RAJABALEE's practice locations revealed that RAJABALEE treats many HIV patients (which included rendering infusion drugs), and that the majority of his paid claims are derived from Medicare Part B, crossover claims. MPI reported that RAJABALEE has only provided copies of three of the fifteen patient records requested and that a preliminary review of the records provided revealed a lack of adequate documentation.</p> <p>RAJABALEE was notified of the investigation by letter (Exhibit #2) dated 07/26/05 and was provided with a copy of the UCF and initiating documents (Exhibit #1).</p> <p>A check of DOH computer licensure records revealed RAJABALEE is currently a licensed physician. A copy of his licensure printout is Exhibit #3.</p> <p>RAJABALEE is represented by BERNARD M. CASSIDY, Esquire One East Broward Boulevard, Suite #1410, Fort Lauderdale, Florida 33301, Tel: (954) 764-6430. <u>CASSIDY has requested for a copy of the final investigative report. (Exhibit#5)</u></p> <p>On 08/01/06, RAJABALEE's statement (Exhibit#5) was received via fax from CASSIDY. He was interviewed at his private practice on 07/27/06 and he denied the allegations in the complaint.</p>					
Related Complaint: None					
Investigator/Date: 11/02/06 YVANNE GUSTAVE (MI-24) MEDICAL MALPRACTICE INVESTIGATOR			Approved By/Date: 11/02/06 JAMES K. HAMBLIN INVESTIGATION MANAGER		
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*EXHIBITS CONTAIN INFORMATION WHICH IDENTIFIES PATIENT (S) BY NAME AND ARE SEALED PURSUANT TO SECTION 456.057(8), FLORIDA STATUTES

**THESE RECORDS ARE SEALED PURSUANT TO SECTION 456.057, FLORIDA STATUTES AND COPIES OF SAME ARE NOT MAINTAINED IN THE MIAMI INVESTIGATIVE OFFICE.

INVESTIGATIVE DETAILS

On 06/28/06, this investigator received this complaint advising not to notify RAJABALEE, due to the nature of the complaint. On 07/21/06, this investigator contacted DEBORAH BARKER, Program Administrator and left several messages. The call was returned by the Inspector General Office in Washington D.C. (866) 893-9622 and this investigator was told that someone from the Miami local area would make contact with this investigator.

This investigator conducted further investigation and contact was made with MPI investigators on 07/25/06 and recorded messages were left. Additional information was obtained and Medicare, EDS Investigator EVELYN GARRIDO-MORGAN's contact number was provided. GARRIDO-MORGAN was contacted via telephone on 07/26/06 and she was interviewed. RAJABALEE was notified of the investigation via letter dated 07/26/06 the same day. (See **Interview of EVELYN GARRIDO-MORGAN**)

On 07/26/06, this investigator contacted the centers where RAJABALEE worked via telephone and request for information on patients were made via fax. On 07/27/06, RAJABALEE contacted this investigator via telephone and he provided the information pertaining to the centers where patients were treated. Subpoenas were issued to obtain the patients' medical records. On 07/28/06, this investigator attempted to serve subpoena to Alcazar Medical Inc. and was unable to due to closure. RAJABALEE was contacted via telephone and an interview was scheduled to meet with him at Alhambra Professional Center and to deliver the subpoena.

On 07/31/06, this investigator presented at Alhambra Professional Center and interviewed RAJABALEE and he was provided a subpoena to submit patients' medical records. RAJABALEE contacted this investigator later in the day and advised that he has retained legal representation and a letter was received via fax from BERNARD CASSIDY, Esquire. This investigator contacted CASSIDY via telephone on 08/09/06 and 09/08/06 and requested patient information in order to issue subpoenas for their medical records. CASSIDY was contacted via telephone on 09/11/06 and he advised that he was meeting with RAJABALEE on 09/12/06 and he will contact this investigator at a later date to provide the information requested.

On 08/07/06, SHAKIRA CARLO, Medicare Fraud Investigator Assistant from the Office of Inspector General's office in Miami Lakes, (305) 536-6902 contacted this investigator via telephone. She was responding to this investigator message left on 07/27/06.

On 09/18/06 this investigator contacted CASSIDY and requested patients' information and it was received via fax. This investigator issued subpoenas to the various locations provided by CASSIDY and an attempt to serve the subpoenas was made. The centers were found closed and CASSIDY was contacted advising of such. He sent this investigator a letter via fax advising that the centers involved refuses to provide the patients' medical records to RAJABALEE because their provider numbers were suspended due to a fraud investigation by Medicare. It was discovered through further investigation of Department of State computer information system that RAJABALEE was the owner of Alhambra which was found to be closed.

DOH INVESTIGATIVE REPORT

COMPLAINT NUMBER: ME 2005-64908

On 09/21/06, the subpoenas were delivered to Alcazar Medical Center. LINDA PERSLEY, CASSIDY's assistant contacted this investigator via telephone and provided additional information on the clinic's locations on 09/22/06.

On 09/26/06, this investigator contacted Investigator HAROLD WILSON with Medicare/EDS and he was interviewed. **(See Interview of HAROLD WILSON, INVESTIGATOR)**. Additional information was received from CASSIDY via fax and subpoenas were issued. This investigator attempted to serve the subpoenas and found the clinics closed. FRANK LOPEZ, Building Manager (305) 541-4616 indicated that the clinics' owners left the premises six (6) months prior in the middle of the night due to financial difficulties. This investigator contacted CASSIDY via telephone on several occasions and requested patients' medical records and subpoenas were faxed to him.

On 10/03/06, PRESLEY contacted this investigator via telephone and an interview date of 10/05/06 was scheduled for CASSIDY to meet with this investigator and provide RAJABALEE's patient's medical record. On 10/05/06, CASSIDY presented at the Miami Investigative Services Office and he advised that he was unable to obtain the patient's medical record from RAJABALEE. That his assistant will contact this investigator and provide the information requested. As of 10/05/06, this investigator has not received information from CASSIDY nor his assistant.

This investigator has attempted to contact many of the patients' telephone numbers found in their medical record and through further investigation. Many of the telephone numbers are disconnected or are found to be unpublished.

SUMMARY OF RECORDS

Exhibit #1 is UCF and initiating documents received on 06/28/06.

Exhibit #2 is notification letter dated 07/26/06 sent to RAJABALEE.

Exhibit #3 is copy of DOH licensure information for RAJABALEE's license.

Exhibit #4 is application of affidavits for patient records subpoena without release, received with the initiating documents. The affidavits were separated for better access.

Exhibit#5 is letter of representation/response from BERNARD CASSIDY, Esquire received via fax on 08/01/06. **(See Statement of YUSUF RAJABALEE, MD)**

Exhibit#6 is requests for patient release paperwork found in the initiating documents and separated for better access.

Exhibit #7 is Subpoena Duces Tecum #A0046889 issued to Alcazar Medical Inc. requesting medical records for patients (P.H. and M. C.) This investigator delivered the subpoena to RAJABALEE on 07/31/06 at Alhambra Medical Center, 8180 NW 36th Street location. A copy was provided to FONGLAN LUONG, Secretary on 09/21/06 at Alcazar Medical Inc **(305) 266-7347** and 265-6679.

Exhibit#8 is copy of patient P.H.'s medical record from RAJABALEE found in the initiating documents sent by MPI. The medical record was separated for better access.

Exhibit #9 is Subpoena Duces Tecum #A0048359 issued to RAJABALEE to obtain patient C.G.'s medical record. This investigator faxed the subpoena to CASSIDY's office on 09/19/06.

Exhibit #10 is Subpoena Duces Tecum #A0048358 issued to Alcazar Medical Inc. requesting M.A.'s M.B.; J.L.; C.M.; E.M.; P.S. medical records. This investigator faxed the subpoena to CASSIDY's office on 09/19/06 and delivered to LUONG on 09/21/06.

Exhibit#11 is copy of patient M.A.'s medical record from RAJABALEE found in the initiating documents sent by MPI. The medical record was separated for better access.

Exhibit#12 is copy of patient C.M.'s medical record from RAJABALEE found in the initiating documents sent by MPI. The medical record was separated for better access.

Exhibit #13 is Subpoena Duces Tecum #A0048356 issued to Alhambra Professional Center Inc. to obtain P.C. and C. M.'s medical records. This investigator faxed the subpoenas to CASSIDY's office on 09/19/06. An attempt to deliver the subpoenas was made on 09/26/06 at Alhambra and the center was found closed.

Exhibit#14 is copy of patient P.C.'s medical record from RAJABALEE found in the initiating documents sent by MPI. The medical record was separated for better access.

Exhibit #15 is Subpoena Duces Tecum #A0048369 issued to Futura Medical Clinic to obtain patient H.O.'s medical record. This investigator attempted to deliver subpoena on 09/26/06 and found the clinic closed. LOPEZ, Building Manager, told this investigator that the centers vacated the premises six (6) months prior.

Exhibit #16 is Subpoena Duces Tecum #A0048370 issued to Castillo Medical Clinic to obtain patient P.D.'s medical record. This investigator attempted to deliver the subpoena on 09/26/06 and found the clinic closed. LOPEZ, Building Manager, told this investigator that the centers vacated the premises six (6) months prior.

Exhibit#17 is copy of V.L.'s medical record from RAJABALEE found in the initiating documents sent by MPI. The medical record was separated for better access.

Exhibit#18 is copy of CD of Medicaid claims data for RAJABALEE found in the initiating documents. The CD was separated for better access.

Exhibit #19 is letter dated 09/19/06 from CASSIDY received on 09/21/06, advising that the medical centers would not produce the patients' medical records to RAJABALEE because their Medicare provider numbers were suspended.

STATEMENT OF DEBORAH BARKER, PROGRAM ADMINISTRATOR- Source

Employment: AHCA-Medicaid Program Integrity (MPI)
2727 Mahan Drive, Mail Stop #6
Tallahassee, Florida 32308
Tel: (850) 921-1802

On 06/26/06, this investigator received BARKER's report (Exhibit #1) and attempted to interview her on 07/21/06 via telephone. This investigator contacted BARKER's office and was advised that she was on extended leave due to medical reasons. BARKER returned to work part-time; however, this investigator was unable to communicate with her. BARKER indicated that a preliminary review was conducted in regards medical claims filed by RAJABALEE for treating HIV patients. The review revealed that RAJABALEE, a psychiatrist rendered infusions therapy to the patients and had demonstrated a rapid increase in Medicaid prescription writing. BARKER advised that the majority of RAJABALEE's Medicaid reimbursement were derived from Medicare Part B crossover claims.

BARKER reported that RAJABALEE received \$17,862.34 in Medicaid reimbursement and \$39,661.23 thus far as of 09/16/05. Many of RAJABALEE's patients appear to be former patients of HUGO GOLDSTRAJ, MD, whose Medicaid provider was terminated. A review of RAJABALEE's prescribing pattern of psychiatric medication reveals possible duplicative treatments within the antipsychotic drugs therapeutic class. Several selected Medicaid recipients' medical records were requested from RAJABALEE; however, he only responded by providing three recipients' medical record in August 2005.

BARKER stated that RAJABALEE's provider number was placed on prepayment review in August 2005. AHCA-MPI conducted a site visit at two of his address of record. One address appeared to be his private residence and he was not available at the other location. However, he was present at the Doral Rehab Center where he works with another physician.

RAJABALEE told AHCA-MPI that he was not billing Medicaid, only Medicare at the locations he currently worked. The site visit confirmed medications and medical equipment devices. A list of the patients seen the day of the visit and the last three months was obtained from him.

BARKER indicated that a review of the patients' medical records revealed the handwriting on the progress notes appeared to be different one record to another. The medical records revealed that dates of service do not justify prescription filled date. The medical records revealed that Medicaid claims for RAJABALEE's psychiatric services do not identify with Medicaid prescription claims submitted medical records. The review of the medical records revealed that other psychiatrists provided the majority of psychiatric prescriptions for RAJABALEE's selected patients. There was no record of injection of Epoetin Alpha as billed to Medicaid on one of the Medicaid recipient on the date of service.

RAJABALEE remained on prepayment and referrals were made to other agencies including this Department. It is recommended that any investigation conducted on RAJABALEE that information be provided to MPI.

INTERVIEW OF EVELYN GARRIDO-MORGAN, INVESTIGATOR - Witness

Employment: Florida Benefit Integrity Support Center for Medicare
3450 Lakeside Drive, #201
Miramar, Florida 33027
Tel: (954) 433-6414

On 07/26/06, this investigator interviewed GARRIDO-MORGAN via telephone. GARRIDO-MORGAN stated that Investigator HAROLD WILSON conducted the investigation into the allegations brought against RAJABALEE. She indicated that RAJABALEE confessed to the allegations and has retained legal representation. RAJABALEE's Medicare provider number has been suspended.

GARRIDO-MORGRAN advised that they are unable to provide any documents to this investigator. Only certain information can be shared with other agencies in which permission must be granted. She informed that the patients' medical records obtained were sent after the report was submitted and it may be possible that legal have them.

INTERVIEW OF HAROLD WILSON, INVESTIGATOR -Witness

Employment: Florida Benefit Integrity Support Center for Medicare
3450 Lakeside Drive, #201
Miramar, Florida 33027
Tel: (954) 433-6013

On 09/26/06, this investigator interviewed WILSON via telephone in regards to his investigation of RAJABALEE. WILSON stated that it was reported that RAJABALEE was filing claims to Medicare for services rendered over a short period of time totaling a large amount of charges. His office was requested to look into the matter and RAJABALEE's provider number was suspended.

WILSON informed that medical records were requested from RAJABALEE and many were not made available. He indicated that many of the patients are HIV and RAJABALEE reported that infusion therapy was rendered as part of therapy to the patients. Many of the locations where RAJABALEE provided services have since closed and he has retained legal service. WILSON requested that the department investigate the standard of care provided by RAJABALEE.

INTERVIEW/STATEMENT OF YUSUF RAJABALEE, MD Subject

Residence: 14805 SW 97th Court
Miami, Florida 33176
Tel: (305) 265-6683

On 07/31/06, this investigator presented at Alhambra Professional Center and interviewed RAJABALEE. RAJABALEE stated that he works at several centers rendering medical services to patients. Many of the patients he treats are HIV positive and/or have the AIDS.

Many of them require treatments involves in which are expensive. Medicare was billed and payments were received. However, Medicare has requested that payment be return to them.

On 08/01/06, RAJABALEE's written statement (Exhibit#5) was received via fax from CASSIDY. His response is that the allegations made in the complaint were drawn from an audit report and patients' filed reviewed providing no information to the date of service. He is unable to appropriately respond at this time and would like that the probable cause reject the complaint. RAJABALEE indicated that the allegation of inappropriate prescribing is irrelevant without providing specific patient or prescriptions. The reference that RAJABALEE is associated with GOLDSTRAJ based on that his patients were GOLDSTRAJ's former patients and his involvement in diversion of pharmaceutical products has no basis other than alleging his prescribing patterns. The fraud claims provide no specific allegation of fraud against RAJABALEE. RAJABALEE has requested copies of documentation in order to conduct a review of the information and provide a proper response.

INVESTIGATOR's NOTE: The above summaries are based on telephone conversations with the individuals interviewed. They are a brief synopsis of their narrations and do not contain an exact transcription of the conversations.

Exhibit# 20 is Confidential Index of Names.