

State Witness: Inv. Shakethia Morgan
Georgia Medicaid Fraud Control Unit

FILED

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CLERK OF SUPERIOR CRT
DEKALB COUNTY GEORGIA

No. **12-CR 6359 - 4**

DeKalb County Superior Court
November Term, 2012

THE STATE

VERSUS

ANDRE DAMIAN WILLIAMS

D-0233924 - 4

**Medicaid Fraud, a felony
O.C.G.A. § 49-4-146.1(b)(2)**

True BILL.
Shannon Thomas for person.

The Defendant, ANDRE WILLIAMS, waives copy
of Indictment, list of witnesses, full panel,
formal arraignment, and pleads

This _____ day of _____, 20__

Assistant Attorney General

Defendant's Attorney

Defendant

STATE OF GEORGIA, COUNTY OF DEKALB

BILL OF INDICTMENT

IN THE SUPERIOR COURT OF SAID COUNTY,

The Grand Jurors selected, chosen and sworn for the County of DeKalb to wit:

1. Shannon R. Thomasson, Foreperson
- ~~2. Brian A. Anderson~~
- ~~3. Kathy Ash~~
4. Patricia A. Byers
5. Judson Davis
- ~~6. Erica A. Dumas~~
7. Jacqueline Dunnaway
- ~~8. Norma L. Feagin~~
9. Jorge R. Fernandez
10. Allen A. Jackson
- ~~11. Todd C. Jackson~~
12. Myron E. Lane
13. Callie Lathangue
14. James Lloyd, III
- ~~15. Patrick Mikos~~
16. Melvin A. Perling
17. Ieisha Poitier
18. Frankie L. Roberts
- ~~19. Joshua Segue~~
20. Kilisa Shepherd
- ~~21. Sara Sherkat~~
22. Hettie Summerlin
23. L' Tangaa Terrell
24. Cynthia M Woods-Wheeler
25. Kristopher W. Young

the GRAND JURORS, aforesaid, in the name and behalf of the citizens of the State of Georgia, charge and accuse

ANDRE DAMIAN WILLIAMS

with the offense of **Medicaid Fraud, O.C.G.A. § 49-4-146.1(b)(2), a felony**, for that said accused, in the County of DeKalb and the State of Georgia, **beginning on or about January 12, 2009 and continuing until on or about September 26, 2011**, did knowingly and willfully accept medical assistance payments to which he was not entitled and in amounts greater than that to which he was entitled, from the State of Georgia Medicaid program, to wit:

Background of the scheme

The Georgia Medicaid program, administered by the Georgia Department of Community Health, Division of Medical Assistance was established to provide an array of health care services and benefits to those who, due to economic circumstances and other reasons, could not otherwise afford such health care services and benefits. The Georgia Medicaid program was funded jointly by the State of Georgia and by the United States Department of Health and Human Services, acting through the Centers for Medicare and Medicaid Services. Since 1976, the federal law known as the *Hyde Amendment* has prohibited the use of federal funds to pay for elective abortions and services associated with elective abortions. In conformance with federal law and regulations, the *Policies and Procedures for Physician Services, Section 904.2*, provides that elective abortions and services associated with elective abortions are not covered by the Georgia Medicaid program.

Beginning on or about July 8, 1981, WILLIAMS was enrolled in the Georgia Medicaid program in the Physicians' Services program to provide medical services to Georgia Medicaid recipients. Beginning on or about 2005, WILLIAMS owned and operated DeKalb Gynecology Associates, located at 4229 Snapfinger Woods Drive, Decatur, DeKalb County, Georgia. WILLIAMS and other physicians employed by WILLIAMS at DeKalb Gynecology provided elective abortions to patients who were Georgia Medicaid recipients.

1.

Between January 12, 2009 and September 26, 2011, the accused accepted medical assistance payments in the approximate amount of \$110,085.36 for the performance of detailed ultrasound tests, CPT Procedure Code 76811, which payments were in an amount greater than that to which he was entitled to receive because the procedures had not been performed.

2.

Between January 12, 2009 and September 26, 2011, the accused accepted medical assistance payments in the approximate amount of \$52,889.69 for the performance of Evaluation and Management office visits, CPT Procedure Code 99204, which payments were in an amount greater than that to which he was entitled to receive because the procedures were associated with the performance of elective abortions.

3.

Between January 12, 2009 and September 26, 2011, the accused accepted medical assistance payments in the approximate amount of \$2,445.69 for the performance Evaluation and Management office visits, CPT Procedure Code 99214, which payments were in an amount greater than that to which he was entitled to receive because the procedures were associated with the performance of elective abortions.

4.

Between January 12, 2009 and September 26, 2011, the accused accepted medical assistance payments in the approximate amount of \$43,796.90 for the performance of transvaginal ultrasound procedures, CPT Procedure Code 76817, which payments were in an amount greater than that to which he was entitled to receive because the procedures were associated with the performance of elective abortions.

5.

Between January 12, 2009 and September 26, 2011, the accused accepted medical assistance payments in the approximate amount of 4,123.28 for pregnancy tests, CPT Procedure Code 81025, which payments were in an amount greater than that to which he was entitled to receive because the procedures were associated with the performance of elective abortions.

6.

Between January 12, 2009 and September 26, 2011, the accused accepted medical assistance payments in the approximate amount of \$1,662.78 for urinalysis, CPT Procedure Code 81002, which payments were in an amount greater than that to which he was entitled to receive because the procedures were associated with the performance of elective abortions.

7.

Between January 12, 2009 and September 26, 2011, the accused accepted a total of approximately \$215,003.30 in medical assistance payments, an amount greater than that to which he was entitled to receive because the procedures were associated with the performance of elective abortions.

contrary to the laws of said State, the good order, peace and dignity thereof.

DEKALB SUPERIOR COURT

SAMUEL S. OLENS, Attorney General
ROBERT D. JAMES, District Attorney

DUPLICATE ORIGINAL

IN THE SUPERIOR COURT OF DEKALB COUNTY

STATE OF GEORGIA

20R6359-4

THE STATE OF GEORGIA

Criminal Action#: D0233924-04

VS.

ANDRE DAMIAN WILLIAMS

Work: 4229 Snapfinger Woods Drive Ste A
Decatur, GA 30035
Home: 364 1 Silver Springs Court
Decatur, GA 30034

DESCRIPTION:

DOB: 04/25/1950; SSN: 056-48-3742
Race: Black; Gender: Male

GRAND JURY ARREST WARRANT

To all and singular, the Sheriffs, Constables and Coroners of Said State, Greeting:

WHEREAS, at the NOVEMBER TERM, 2012, of the Superior Court of said County, the District Attorney filed an Indictment against, Andre Damian Williams, for the offenses of Medicaid Fraud. This Indictment was presented to the Grand Jury as a special presentment and therefore Defendant has not been placed under a bond to answer for said offense(s), therefore,

You and each of you, are therefore commanded in the name of the State to apprehend the said Defendant and have him enter into an obligation in the sum of \$25,000, subject to conditions of bond, for his personal appearance in the Superior Court of DeKalb County on a specific date for which Defendant will be notified and that he attend Court to answer for said offense(s) at all subsequent terms until lawfully discharged therefrom. Defendant must also surrender his United States and/or any foreign passport as a condition of his bond.

Given under my hand and seal this 20 day of December 2012.

Nancy B. Allstrom

Nancy B. Allstrom
Special Prosecutor
Main Office: (404) 371-2561
FAX: (404) 371-2981
Email: nancy.allstrom@mfcu.ga.gov
Bar Number: 009830
556 N. McDonough Street; Suite 700
Decatur, Georgia 30030-3355
for Robert D. James, District Attorney
Stone Mountain Judicial Circuit

Maile C. Staker

Presiding Judge
DeKalb County Superior Court
Stone Mountain Judicial Circuit

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DEKALB COUNTY SUPERIOR CRT
DEKALB COUNTY GEORGIA

GEORGIA, _____ COUNTY

I have this day executed the within warrant by arresting the Defendant and have the Defendant in custody.

This _____ day of _____, 20_____.

Deputy Sheriff _____ County, GA