

Office of the Inspector General
Office of Investigations
Social Security Administration

REPORT OF INVESTIGATION

TITLE OF CASE: Americo Oms-Rivera

CASE NUMBER: [REDACTED]

PROGRAM CATEGORY: 640 - TITLE II - DISABIL

PERIOD COVERED: 03/12/2018 **TO:** 03/12/2018

RELATED CASE NUMBERS:

REPORTED BY: [REDACTED]

FIELD DIVISION: NEW YORK

OFFICE: SAN JUAN

STATUS OF CASE: STATUS REPORT

SYNOPSIS:

This report of investigation memorializes a fifth debriefing interview conducted on Mayte Gonzalez-Muñoz (GONZALEZ), regarding the review of the medical records of 14 SSA beneficiaries, who were also patients of Dr. Americo Oms Rivera (OMS).

ALLEGATION OR REFERENCE TO MOST RECENT REPORT:

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[REDACTED]

INVESTIGATIVE ACTIVITY:

On March 12, 2018, at approximately 10:00 a.m., SSA/OIG Special Agent [REDACTED] and I conducted a debriefing interview on GONZALEZ, [REDACTED] former secretary of OMS, at the conference room of the SSA/OIG/OI San Juan office, [REDACTED]

[REDACTED] GONZALEZ stated, in substance and in part, that she was willing to be interviewed and that her responses were provided in a voluntary and truthful manner.

GONZALEZ reviewed [REDACTED]

The items were the following:

1) Item 678, described as miscellaneous SSA documents [REDACTED] consisting of nine (9) pages.

GONZALEZ stated that those were documents sent by the SSA to OMS' medical offices, requesting him to submit a Psychiatric Medical Report (PMR) for the respective SSA benefit applicant.

2) Item 681, described as patient list [REDACTED] one (1) soft-cover notebook.

GONZALEZ stated that the notebook contained the name of patients with their respective patient number. The purpose of the notebook was for record keeping. The notebook belonged to the Ponce medical office. Some patient entries could include a date, when they became patients. [REDACTED]

3) Item 682, described as patient logs [REDACTED] two (2) hard-covered books.

GONZALEZ stated that the books contained the name of patients with their respective patient number. The purpose of the books was for record keeping. The books belonged to the Ponce medical office.

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4) Item 685, described as a letter with post-it note indicating to backdate - consisting of four (4) pages.

GONZALEZ stated that it was a referral letter from SSA attorney representative Samuel Perez (PEREZ). Referred patients could bring the letter from PEREZ on their first appointment. Also, it was common for the letters to have a post-it note on it, indicating to OMS to backdate their medical file.

[REDACTED]
[REDACTED]
[REDACTED] The reason of the backdating in their case was to give more weight to their PMR.

5) Item 687, described as receipt books, note pads, registries - consisting of 17 registries, two (2) notepads, two (2) receipt books, and five (5) purchase receipts.

Regarding the registries, GONZALEZ stated that it contains the name of the patients, their turn on the list, patient number, medical plan name, co-pay, if they paid anything towards a debt, their balance, and the reason for the visit. When the reason for the visit indicated "OK", it meant because they had a face-to-face appointment with OMS, and if it had an "R", it meant because they only went to pick-up a prescription but did not have a face-to-face appointment with OMS, and when it had an "R OK", it meant that the patient had picked-up the prescription. GONZALEZ stated that the patient list on regular day could have up to six (6) pages, but normally only the first page was for face-to-face appointments with OMS and the rest of the pages were for patients picking up prescriptions.

Regarding the notepads, GONZALEZ stated it contained the names of the patients and their owed balance towards paying for the completion of the PMR. The receipt books were for any patient who paid anything at the OMS medical office, to include paying for the completion of the PMR. If the receipt indicated: "abono," (English translation, partial payment) or "citas pasadas" (English translation, previous appointments) could be an indication of backdating and/or added dates to the PMR. The purchase receipts were for office supplies or services needed at the medical office.

6) Item 688, described as folder with pre-filled progress notes - consisting of 110 pages.

GONZALEZ stated that these were pre-filled progress notes that OMS requested to be completed to fix some medical files for an audit. Some forms were filled out by GONZALEZ and others by OMS. They would chose the symptoms on the progress notes based on specific medical conditions and when they encountered a patient file that needed a form with specific conditions, they would select the form from the pre-filled progress notes package. Some forms were photocopies of other pre-filled forms.

[REDACTED]
[REDACTED]

7) Item 689, described as registries and receipt books - consisting of 74 pages of patient registries,

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and five (5) receipt books.

Regarding the patient registries and the receipt books, GONZALEZ stated she provided the same explanation for Item 687.

8) Item 690, described as receipt book - consisting of a 54 page receipt book.

GONZALEZ provided the same description as Items 687 and 689.

In addition, GONZALEZ reviewed the medical files of 19 OMS' patients, who also shared SSA attorney representative Samuel Perez (Perez), from Guayama, PR as the patient's representative regarding their SSA disability benefits application. [REDACTED]

[REDACTED] The medical files were the following:

1) [REDACTED], patient file [REDACTED] consisting of 86 scanned pages.

[REDACTED] Attended 2 or 3 face-to-face medical appointments with OMS and later only went to the office to pick up prescriptions. His medical records was not backdated. His PMR was completed by Perez and given to OMS only for his signature.

Furthermore, GONZALEZ stated that it was common practice that Perez would submit PMRs completed by computer and give them to OMS for his signature. Perez would add the "frequency of contact" dates on the PMR based on the dates added to the patient's appointment cards, which on occasions were added backdated dates.

2) [REDACTED], patient file [REDACTED] consisting of 50 pages.

Dates were added to her medical file. Perez completed her PMR. Did not continue with her medical treatment after SSA approved her benefits.

3) [REDACTED], patient file [REDACTED] consisting of 56 scanned pages.

She visited OMS' medical office [REDACTED] Had other medical conditions, but had backdating done to her medical record. [REDACTED] The patient information form (p.4) confirms the backdating when the patient wrote: 26 MAR 13 and GONZALEZ wrote 27 mayo 2012 under the first date. (P. 9) which has copies of her appointment cards also showed the backdated dates. Also, on (p. 48) GONZALEZ wrote the date of: 27 MARZO 2012 on a yellow sticky note, which showed the backdating. (P. 53 and 54) showed two (2) letters signed by OMS but completed by Perez. On one (1) of the first form the initial date of treatment was listed as 27 de marzo de 2012 and the

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second form lists the date as 27 de mayo de 2012, which further confirms the backdating.

4) [REDACTED], patient file [REDACTED] consisting of 113 scanned pages.

Did not know the patient because she visited OMS' Ponce medical office. However, according to the patient information form (p. 3) the initial date was listed as: 16 Feb 2010, but on the PMR prepared by Perez and signed by OMS (p. 106) the initial date was listed as: December 8, 2009, which indicated her record was backdated.

5) [REDACTED], patient file [REDACTED] consisted of 54 scanned pages.

GONZALEZ stated that this patient had backdated dates added to her medical file. The listed date on the patient information form (p. 4) was: 02-09-10 and the form listed on her PMR completed by Perez and signed by OMS (p. 48) and appointment cards (p. 3) was May 12, 2009. The patient stopped going to the OMS' medical office for a long time.

6) [REDACTED], patient file [REDACTED] consisting of 51 scanned pages.

Did not remember much about her. [REDACTED] However, based on the initial date of the patient information form (p. 5) being listed as: 01-19-10 and the date on the PMR (p. 40) being: August 11, 2009, which Perez completed and OMS signed, it was an indication of backdating.

[REDACTED]

[REDACTED]

[REDACTED]

8) [REDACTED], patient file [REDACTED] consisting of 56 scanned pages.

[REDACTED] Applied for SSA benefits while having problems at work. Had backdating done on his medical file. Started seeing OMS for treatment, but later only went to the medical office to pick up prescriptions. Based on the initial date of the patient information form (p. 3) being listed as: 18 - MAYO - 2010 and the date on the PMR (p. 50) being: February 17, 2009, which Perez completed and OMS signed, was confirmation of the backdating.

9) [REDACTED], patient file [REDACTED] consisting of 38 scanned pages.

He started being treated by OMS and stopped going to the medical office once the SSA approved his

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disability benefits. His medical file was backdated and backdated dates were added to his PMR. Based on the initial date of the patient information form (p. 3) being listed as: 3/2/10 and the date on the PMR (p. 9) being: June 2, 2009, which Perez completed and OMS signed, was confirmation of the backdating.

10) [REDACTED], patient file [REDACTED] consisting of 80 scanned pages.

He was a patient being treated at the OMS' Ponce medical office. Had backdating on his medical record based on the initial date of the patient information form (p. 3) being listed as: 18 ENERO 2013 and the date on the a progress note (p. 67) being: 6-13-2012. Additionally, the fact that the psychiatric evaluation form (p. 74) was blank, was an indication that the original form was removed and a new one was added to remove the initial date, which was a common practice done [REDACTED] at the OMS' Ponce medical office.

11) [REDACTED], patient file [REDACTED] consisting of 72 scanned pages.

[REDACTED] mostly went to the medical office to pick up prescriptions.

12) [REDACTED], patient file [REDACTED] consisting of 72 scanned pages.

She stopped going to get treated by OMS for a long time. Based on the initial date of the patient information form (p. 3) being listed as: 29 Sept 2009 and the date on the PMR (p. 66) being: December 23, 2008, which Perez completed and OMS signed, was confirmation of the backdating.

13) [REDACTED], patient file [REDACTED] consisting of 46 scanned pages.

He went 2 or 3 times to a face-to-face appointments with OMS. He had backdating on his medical file. Based on the initial date of the patient information form (p. 3) being listed as: 3/23/10, the referral letter prepared by Perez (p. 36) dated: 23 de marzo de 2010, and the date on the PMR (p. 40) being: January 13, 2009, which Perez completed and OMS signed, was confirmation of the backdating.

14) [REDACTED], patient file [REDACTED] consisting of 61 scanned pages.

She had backdating on her medical file. [REDACTED]

[REDACTED]

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[REDACTED]

16) [REDACTED], patient file [REDACTED], consisting of 49 scanned pages.

he stopped seeing OMS for treatment after his SSA benefits were approved. Based on the initial date of the patient consent form (p. 4) being listed as: 14-12-10 and the date on the PMR (p. 49) being: July 13, 2010, which Perez completed and OMS signed, was confirmation of the backdating.

17) [REDACTED], patient file [REDACTED] consisting of 52 scanned pages.

He stopped seeing OMS for treatment after his SSA benefits were approved. Based on the initial date of the patient information form (p. 3) being listed as: 1 FEB 2011 and the date on the PMR (p. 46) being: October 5, 2010, which Perez completed and OMS signed, was confirmation of the backdating.

18) [REDACTED], patient file [REDACTED], consisting of 68 scanned pages.

He had backdating and added dates to his medical file. He stopped seeing OMS after he was approved for SSA benefits. Based on the initial date of the patient consent form (p. 3) being listed as: 12/14/2010 and the date on the PMR (p. 62) being: February 6, 2010, which Perez completed and OMS signed, was confirmation of the backdating.

19) [REDACTED], patient file [REDACTED], consisting of 61 scanned pages.

[REDACTED] based on the initial date of the patient consent form (p. 3) being listed as: 26 oct 10 and the date on the PMR (p. 55) being: March 9, 2010, which Perez completed and OMS signed, was confirmation of the backdating.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

JUDICIAL ACTION:

N/A

DISPOSITION OF EVIDENCE, GRAND JURY MATERIAL, AND/OR PERSONAL PROPERTY:

N/A

MONETARY ACHIEVEMENT:

N/A

SUBMITTED BY: [REDACTED] 03/15/2018

APPROVED BY: [REDACTED] 03/16/2018

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