

TEXAS STATE BOARD OF PODIATRIC MEDICAL EXAMINERS

PHYSICAL ADDRESS: 333 GUADALUPE, TOWER II, SUITE 320, AUSTIN, TEXAS 78701
MAILING ADDRESS: P.O. BOX 12216, AUSTIN, TEXAS 78711
NATIONAL TOLL FREE COMPLAINT HOTLINE: 1-800-821-3205
VOICE: 512-305-7000 FAX: 512-305-7003



"Over 79 Years of Ensuring Quality Podiatric Medicine For The Citizens Of Texas"

HEMANT MAKAN
EXECUTIVE DIRECTOR / INVESTIGATOR

Wednesday, September 19, 2007

Manuela Alana
C/O Valley Medical Foot Care & Franklin Beltre, DPM
409 W. FM 495
San Juan, TX 78589

**RE: TSBPME Case No. 07-006 / ON-SITE INVESTIGATION
Unlicensed Practice of Podiatric Medicine / Cease & Desist Order**

Dear Ms. Alana,

T.O.C. §202.6015 NOTICE OF COMPLAINT ALLEGATION & SCOPE OF PRACTICE

The Texas State Board of Podiatric Medical Examiners has the authority to proceed against a Podiatric Physician for violations of its statutes and rules concerning the practice of Podiatric Medicine, Texas Occupations Code, §202.501 Board Disciplinary Powers; Administrative Procedure.

Be advised, a Podiatrist's scope of practice in Texas is defined, at least, in three parts:

First, Section 202.001(4) of the Texas Occupations Code (Statute) states: "Podiatry" means the treatment of or offer to treat any disease, disorder, physical injury, deformity, or ailment of the human foot by any system or method. The term includes podiatric medicine.

Second, Section 375.1(2) of the Texas Administrative Code, Title 22, Part 18 (Rules) states: "Foot"-
-The foot is the tibia and fibula in their articulation with the talus, and all bones to the toes, inclusive of all soft tissues (muscles, nerves, vascular structures, tendons, ligaments and any other anatomical structures) that insert into the tibia and fibula in their articulation with the talus and all bones to the toes.

Third, in accordance with Texas Health & Safety Code Subchapter E relating to Medical Staff Membership & Privileges (§241.101 et al): Procedures to treat the foot/ankle by a Podiatrist at the hospital/surgical facility level are within the scope of practice for Podiatric Medicine in the State of Texas (by "any system or method") as long as the Podiatrist is qualified and credentialed to do so and has hospital/surgical privileges for the same, for performance of the procedure at the hospital/surgical level as cleared by medical staff.

LICENSE REQUIRED

You, MANUELA K. ALANA, are not currently licensed in the State of Texas as a podiatric physician.

This agency (i.e. the Texas State Board of Podiatric Medical Examiners; TSBPME; the Board) has received a complaint and pursuant to an on-site investigation conducted on June 27, 2007 we are in possession of evidence indicating that you, MANUELA K. ALANA, have professed to be a podiatrist and practiced and assumed the duties incident to the practice of podiatry without holding a license to practice podiatry.

1. By application dated June 2, 1998, you applied for a license to practice podiatric medicine in the State of Texas to sit for the Board's July 10, 1998 Licensing Examination. On July 10, 1998, you appeared for but were refused admittance to the examination due to the absence of the requisite National Board of Podiatric Medical Examiners (NBPME) scores (Part I & Part II).
2. You requested your NBPME scores on May 28, 1998. The NBPME received your request on June 10, 1998. The NBPME mailed the scores to the Texas State Board of Podiatric Medical Examiners on July 17, 1998. The results of the NBPME "Part I" yield "Fail" scores for the following dates of examination: July 14, 1995; July 12, 1996; September 13, 1996; September 12, 1997 and July 10, 1998. All applicant's shall have successfully passed all sections of the National Board and provide their scores directly from the National Board of Podiatric Medical Examiners to the Texas State Board of Podiatric Medical Examiners.
3. The NBPME scores were not received as required by the July 10, 1998 Board examination; you were therefore denied admittance although you appeared.
4. According to TSBPME records, you never reapplied to sit for the Licensing Exam. You have professed to be a podiatrist and practiced and assumed the duties incident to the practice of podiatry without holding a license to practice podiatry at the following locations owned and operated by Franklin Beltre, DPM (License No. 1460):
 - a. Valley Medical Foot Care; 219 S. Cage; Pharr, TX 78577
 - b. Valley Medical Foot Care; 409 W. FM 495; San Juan, TX 78589

You are in violation of Texas Occupations Code §202.251 "LICENSE REQUIRED" which provides that: "A person may not practice podiatry or hold the person out as a podiatrist unless the person is licensed under this chapter."

Texas Occupations Code §202.253(a)(12) "GROUNDS FOR DENIAL OF LICENSE" provides that: The Board may refuse to admit a person to an examination, and may refuse to issue a license to practice podiatry to a person, for impersonating a license holder, or permitting another person to use the license holder's license to practice podiatry in this state, to treat or offer to treat, by any method, conditions and ailments of human feet."

Texas Occupations Code §202.303 "PRACTICE WITHOUT RENEWING LICENSE" provides that: "A person who practices podiatry without an annual renewal certificate for the current year is

considered to be practicing without a license and is subject to all the penalties of the practice of podiatry without a license.”

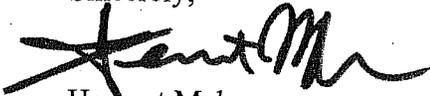
Texas Occupations Code §202.605 “GENERAL CRIMINAL PENALTY: PRACTICING WITHOUT LICENSE” provides that: “(a) A person commits an offense if the person professes to be a podiatrist or practices or assumes the duties incident to the practice of podiatry without holding a license to practice podiatry. (b) An offense under this section is punishable by: (1) a fine of not less than \$50 or more than \$500; (2) confinement in the county jail for not less than 30 days or more than six months; or (3) both the fine and confinement. “

Therefore, you, MANUELA K. ALANA must immediately Cease and Desist from publicly professing or claiming to be a podiatrist and from using any title, degree, letter, syllable, or word that would lead the public to believe that you are authorized to assume the duties incident to the practice of podiatry.

Pursuant to Texas Occupations Code §202.6015, since you did NOT request a hearing before the 22nd day after the date of receiving this initial July 13, 2007 notice, the Board has entered into a formal “Cease and Desist Order” (copy enclosed) issued against you effective September 8, 2007. Continued violations will result in the Board referring the violation to the Attorney General for further action, imposing an administrative penalty against you and criminal prosecution for “Practicing Podiatry Without a License” in the State of Texas.

You may direct all communication/correspondence to my attention at: “Hemant Makan, Executive Director; TSBPME; P.O.B. 12216; Austin, TX; 78711-2216.”

Sincerely,



Hemant Makan
Executive Director
Investigator
(512)-475-3301
Hemant.Makan@foot.state.tx.us

VIA: CRR 7006 0100 0002 6008 7478

TSBPME Case No. 07-006

IN RE:	§	BEFORE THE:
MANUELA K. ALANA	§	TEXAS STATE BOARD OF PODIATRIC MEDICAL EXAMINERS
	§	
PRACTICE WITHOUT A LICENSE	§	SITTING IN AUSTIN,
	§	TRAVIS COUNTY, TEXAS

Cease & Desist Order

TO: Manuela K. Alana

ADDRESS: C/O Valley Medical Foot Care
409 W. FM 495
San Juan, TX 78589

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 - a. Valley Medical Foot Care; 219 S. Cage; Pharr, TX 78577
 - b. Valley Medical Foot Care; 409 W. FM 495; San Juan, TX 78589



Department of Justice

U.S. Attorney's Office
Southern District of Texas

José Angel Moreno • United States Attorney

RECEIVED

FOR IMMEDIATE RELEASE

ANGELA DODGE

May 28, 2010

JUN 01 2010

PUBLIC AFFAIRS OFFICER

WWW.JUSTICE.GOV/USAO/TXS/

**TEXAS PODIATRIC
MEDICAL EXAMINERS**

(713) 567-9388

HOUSTON PODIATRIST AND HIS UNLICENSED PODIATRIST CO-DEFENDANT SENTENCED TO PRISON FOR HEALTH CARE FRAUD

(McALLEN, Texas) – Franklin Beltre D.P.M., 40, of Houston, and a co-defendant have been sentenced to prison for committing more than \$1 million in Health Care Fraud for submitting false and fraudulent claims to both the Medicare and Medicaid health care programs, United States Attorney José Angel Moreno and Texas Attorney General Greg Abbott announced today.

Beltre was sentenced today to 36 months incarceration by United States District Judge Randy Crane to be followed by a three-year-term of supervised release. In addition to the prison term, Beltre was ordered to pay \$691,128.04 in restitution, which represents the amount he was paid for the false and fraudulent claims he had submitted to both Medicare and Medicaid. Indicted in September 2009, Beltre pleaded guilty on Jan. 27, 2010, to health care fraud.

At the time of his guilty plea, Beltre admitted to defrauding two health care benefit programs, specifically Medicaid and Medicare, by means of false and fraudulent claims in connection with the use of unqualified, unlicensed medical personal and for billing for medical services not rendered as described in count six of indictment. From April 29, 2006, through May 6, 2006, while vacationing in Fort Lauderdale, Fla., Beltre submitted claims to both Medicare and Medicaid for podiatric services he never performed and that were actually performed by co-defendant Manuela Alana, an unlicensed, unsupervised podiatrist and resident of Pharr, Texas. Judge Crane also sentenced Alana today. She will be serving a 24-month term of incarceration to be followed by a three-year-term of supervised release.

Beltre has been ordered to surrender to the United States Marshals Service (USMS) on June 14, 2010, in Houston to begin serving his sentence. Alana must surrender on June 21, 2010, to the USMS in McAllen to begin serving her sentence.

The investigation leading to the charges in this case was conducted by the Department of Health and Human Services-Office of Inspector General, the FBI and the Texas Attorney

General's Medicaid Fraud Control Unit, Assistant United States Attorney Carolyn Ferko prosecuted the case.

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RECEIVED

JUN 01 2010

**TEXAS PODIATRIC
MEDICAL EXAMINERS**

68

United States District Court
Southern District of Texas
FILED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

SEP 10 2009

Clerk

UNITED STATES OF AMERICA

§
§
§
§
§
§

v.

FRANKLIN BELTRE, D.P.M.
MANUELA K. ALANA

M-09-1306

INDICTMENT
COUNTS ONE THROUGH EIGHT
(Health Care Fraud)
18 U.S.C. §1347

THE GRAND JURY CHARGES:

A. INTRODUCTION

At all times material to this Indictment:

1. The defendant, FRANKLIN BELTRE, DPM, (hereinafter "BELTRE") with others known and unknown to the Grand Jury owned, operated and was employed as a Podiatrist at Valley Medical Foot Care (hereinafter "Valley Medical") in the Pharr/San Juan, Texas area in Hidalgo County and at Bissonnet Foot Care in Houston, Texas in Harris County.

2. The defendant, MANUELA K. ALANA, (hereinafter "ALANA"), an unlicensed podiatrist, was employed by BELTRE at Valley Medical from 1999 through 2008.

3. ALANA graduated from New York College of Podiatric Medicine in 1996. She failed the Texas Licensing Exam for Podiatry on July 14, 1995, July 16, 1996, September 13, 1996, September 12, 1997, and July 10, 1998. To date, she has not been licensed by the State of Texas to practice Podiatry in Texas.

4. On August 16, 1999, defendant BELTRE submitted a Medicare/Federal Health Care

Provider/Supplier Enrollment Application for his business Valley Medical in San Juan, Texas.

5. On April 10, 2000, defendant BELTRE submitted a Medicare/Federal Health Care Provider/Supplier Enrollment Application for his business Bissonnet Foot Care in Houston, Texas.

6. Defendant BELTRE was issued a Medicare provider number that was made retroactive to August 16, 1999 and was assigned provider number: 00607E for Valley Medical; and BELTRE was assigned provider number: 00834E for Bissonnet Foot Care, made retroactive to April 10, 2000.

7. On August 8, 1999, Defendant BELTRE submitted a Texas Medicaid Provider Enrollment Application for his business Valley Medical in San Juan, Texas.

8. On June 10, 2000, Defendant BELTRE submitted a Texas Medicaid Provider Enrollment Application for his business Bissonnet Foot Care in Houston, Texas.

9. Defendant BELTRE was approved to be a provider for the Texas Medicaid Program and assigned Provider I.D. Base: 0927436-01 for Valley Medical and 0927436-02 for Bissonnet Foot Care in Houston, Texas.

THE MEDICARE PROGRAM

10. The Medicare Program ("Medicare") is a federally funded health insurance program that provided health care benefits to certain individuals, primarily the elderly, blind, and disabled. Medicare is administered by the Centers for Medicare and Medicaid Services (CMS), an agency of the United States Department of Health and Human Services ("HHS"), formerly known as the Health Care Financing Administration ("HCFA"). Individuals who received benefits under Medicare are often referred to as Medicare "beneficiaries."

11. Medicare primarily consists of two parts. Medicare Part A pays for institutional services, such as inpatient care rendered at hospitals. Medicare Part B pays for certain physician services, including podiatry services, outpatient services, and medical equipment and supplies that are medically necessary and that were ordered by licensed, podiatrists or other qualified health care providers.

12. CMS, in discharging those responsibilities, contracted with private insurance companies, known as fiscal intermediaries ("FI"), to receive and pay appropriate claims for reimbursement of reasonable and necessary medical services, medical procedures, and medical supplies provided to Medicare Program beneficiaries. From 2004 through the present, TrailBlazer Health Enterprises, LLC (hereinafter referred to as "TrailBlazer") located in Dallas, Texas is the FI. To participate in the Medicare Program in Texas, a provider must obtain a provider number by submitting an application to Trailblazer. The provider number must be used on all claim forms filed with Medicare to identify the provider of medical services. CMS determines what types of claims were covered and the amounts payable by the FI for reimbursement pursuant to a fee schedule.

13. Medicare is a "health care benefit program" as defined by Title 18, United States Code, Section 24(b).

TEXAS MEDICAID PROGRAM

14. The Texas Medicaid program is a cooperative federal-state program to furnish medical assistance to the indigent. The United States Government and the State of Texas jointly finance the Texas Medicaid program and the State of Texas administers the program. The Texas Medicaid program is a health care benefit program within the meaning of Title 18, United States Code Section 24(b). The State of Texas contracted with National Heritage Insurance Company

(NHIC) to process claims submitted by health care providers.

15. Health care providers submitted bills for services rendered to the Texas Medicaid Program by and through NHIC for processing and payment. A licensed health care provider could enter into an agreement with NHIC allowing for the automatic submission of claims via electronic media and for payments to be directly deposited into the health care provider's desired bank or checking account.

MEDICARE AND MEDICAID BILLING PROCEDURES

16. "Physicians Current Procedural Terminology" ("CPT") is a manual published annually by the American Medical Association. It contains a listing of five digit codes ("CPT Codes") for medical procedures performed by health care providers. At all relevant times, CMS adopted the CPT Codes for use in the Medicare/Medicaid programs.

17. Health care providers use CPT Codes to report and bill the carriers for services rendered to patients. When billing a Medicare/Medicaid FI for a service, a health care provider identifies the service by listing the appropriate CPT code for the service on the claim form submitted to Medicare and/or Medicaid. This claim form includes the medical diagnosis corresponding to the patient's condition for which services are being rendered and using numerical codes contained in the Manual of International Classification of Diseases, 9th Edition ("ICD-9 Manual"), the national standard for the health care industry. The carriers reimburse the provider for the service rendered if the service was a designated "covered service."

COVERAGE AND TREATMENT OF ROUTINE FOOT CARE

18. Medicare and Medicaid does not cover or make payments for routine foot care (i.e., the cutting or removal of corns or calluses, the trimming of nails, and other hygienic and preventative

maintenance care). Medicare and Medicaid will reimburse for routine foot care only if the beneficiary had a systemic condition which would place the patient at risk for infection and/or injury if a non-professional attempted to provide the foot care. All covered podiatric services, including covered routine foot care, however, would be covered only if the licensed, podiatrist was actually present when the covered services are rendered.

19. The debridement of a nail is the process of removing dead and diseased portions of a nail and the debris around them. It involves the removal of nail substance, manually or by electric grinder, that is designed to temporarily reduce the size, thickness, curvature, girth of a nail, and, if needed, the removal of nail material. Debridement is considered "routine foot care" and, thus, was not covered by Medicare or Medicaid unless the patient had a systemic disease and a diagnosis of "mycotic nail," "dystrophic nail," "disease of the nail," or "anomalies of the nail."

20. Consistent with the general principles of medical record documentation, a provider podiatrist is required to completely document the patient's physical symptoms, diagnosis, treatment and to include the patient's condition that justifies, in this case, the podiatry services performed and billed to Medicare and Medicaid.

B. THE SCHEME AND ARTIFICE

21. It was the purpose of the scheme to fraudulently obtain money from Medicare and Medicaid by billing Medicare and/or Medicaid for Podiatry evaluations and services that were:

- 1) not covered by Medicare or Medicaid;
- 2) not ordered by a physician or a licensed podiatrist;
- 3) not provided by qualified persons; and
- 4) not provided at all.

22. It was a part of the scheme and artifice to defraud that Defendant BELTRE submitted claims to Medicare and Medicaid which were false or fraudulent in numerous ways including the following:

- a. claimed services using a false diagnosis;
- b. claimed services not performed;
- c. claimed services not ordered by a physician;
- d. claimed evaluations not performed by a licensed podiatrist;
- e. claimed services provided by unqualified persons; and
- f. claimed services that were supposedly provided at a skilled nursing facility or rest home, when that was not the location of the treatment of the beneficiary.

23. For each Medicare or Medicaid payment received by Defendant BELTRE, one or more of the above representations were false. From 2004 until the present, the investigation revealed that when BELTRE was either in Houston; outside the State of Texas; and outside of the United States, there were podiatry services being provided to beneficiaries in the Rio Grande Valley on those same dates that were not directed or supervised by Defendant BELTRE, or any other licensed podiatrist, thus risking the medical and physical safety of the Medicare and Medicaid beneficiaries.

C. MANNER AND MEANS OF THE SCHEME TO DEFRAUD

24. It was a part of the scheme and artifice to defraud that Defendant BELTRE hired Defendant ALANA, an unlicensed, podiatrist who would and did conduct podiatry assessments of beneficiaries, provide podiatric treatment for beneficiaries, and prescribe medications for beneficiaries at times alone and unsupervised by any licensed podiatrist.

25. It was a further part of the scheme and artifice to defraud that Defendant BELTRE,

knowingly billed Medicare and Medicaid for patients that he supposedly treated on days when he was absent from the Rio Grande Valley. The Defendant did instruct defendant ALANA to diagnose and treat all beneficiaries in his absence and defendant ALANA did knowingly and wilfully agreed to provide these services in Defendant BELTRE's absence.

26. It was a further part of the scheme and artifice to defraud that Defendant BELTRE did pre-sign a blank prescription pad to be used by ALANA for subscribing patient medications while BELTRE was not present in the Rio Grande Valley.

27. It was a further part of the scheme and artifice to defraud that Defendant BELTRE would and did bill Medicare and Medicaid for those patients treated by defendant ALANA, an unlicensed, podiatrist, as if he had treated those patients himself.

28. It was a further part of the scheme and artifice to defraud that Defendant BELTRE, did submit claims to be billed to Medicaid and Medicare for procedures that were performed by his unlicensed, unqualified employees, including Defendant ALANA.

29. It was a further part of the scheme and artifice to defraud that Defendant BELTRE, would and did provide the patients' names; date of birth; and CPT codes to be submitted to Medicare and/or Medicaid to claims processor, Brenda Thomas, d/b/a Med Claims of West Alabama, as if he had performed the podiatry services, when, in fact, he had not done so.

30. Defendant BELTRE did administer "podiatry services" to Medicare and Medicaid beneficiaries at Adult Day Care centers throughout the Rio Grande Valley. Thus, Defendant BELTRE would and did place the Medicare beneficiaries and Medicaid-recipients at risk of infection and physical danger.

31. It was a further part of the scheme and artifice to defraud that Defendant BELTRE

consistently billed for services using a "place of service code" that indicated that the beneficiary was at either a skilled nursing facility or rest home when actually BELTRE and/or ALANA treated the beneficiary on site at an Adult Day Care center. Neither Medicare or Medicaid would pay for any podiatry services provided at an Adult Day Care setting. Defendant BELTRE further billed this procedure code to both Medicare and Medicaid for beneficiaries BELTRE had not seen or treated.

32. At times, defendant BELTRE would and did bill and caused to be billed Medicare and Medicaid for podiatry services performed by defendant BELTRE, when, in fact, BELTRE was traveling outside the State of Texas and/or outside the United States and that the defendant ALANA and other unqualified personnel were performing these "podiatry services" without any supervision from any licensed podiatrist, in violation of protocols established by both Medicaid and Medicare.

D. EXECUTION OF THE SCHEME TO DEFRAUD

33. Beginning on or before August 2004, and continuing until the present, in the McAllen Division of the Southern District of Texas and within the jurisdiction of the Court, on or about the dates alleged in the counts below, the defendants

**FRANKLIN BELTRE, DPM
and
MANUELA K. ALANA**

did knowingly and willfully executed and attempted to execute a scheme and artifice:

- i. to defraud a health care benefit program; and
- ii. to obtain, by means of false and fraudulent pretenses, representations, and promises, any of the money and property owned by, and under the custody and control of a health care benefit program;

in connection with the delivery of and payment for health care benefits, items and services, namely, by submitting and causing to be submitted false and fraudulent claims to Medicare and Medicaid for podiatry services in connection with the diagnosis and treatment of patients in the amounts indicated below:

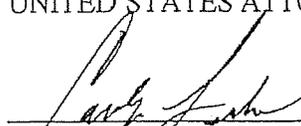
Count	Patient Initials	Medicare Number	Medicaid Number	Claim Number (s)	Date of Service	Falsity of Billed Claim(s)	CPT (s)	Amount Billed
1.	S.R.	xxxxx9333D	xxxxx9109	452204238373600	8/18/2004	Beltre in Europe; Procedures not done or done by unqualified, unsupervised personnel	99311 11721	\$68.00 <u>+\$82.00</u> \$150.00
2.	J.G.	xxxxx9038A	xxxxx6569	452205061476400	2/18/2005	Beltre in Reno, NV; Procedures not done/or done by unqualified, unsupervised personnel	99331 11721	\$62.00 <u>+\$82.00</u> \$144.00
3.	A.Q.	xxxxx9030A	xxxxx2468	452205061476450	2/18/2005	Beltre in Reno, NV; Procedures not done/or done by unqualified, unsupervised personnel	99331 11721	\$62.00 <u>+\$82.00</u> \$144.00
4.	J.N.	xxxxx3138A	xxxxx4801	452206131284870	5/3/2006	Beltre in Florida; Procedures not done/or done by unqualified, unsupervised personnel	99307 11721	\$79.00 <u>+\$98.00</u> \$178.00
5.	O.N.	xxxxx3138B	xxxxx2901	452206131284880	5/3/2006	Beltre in Florida; Procedures not done/or done by unqualified, unsupervised personnel	99307 11721	\$79.00 <u>+\$98.00</u> \$178.00
6.	E.C.	xxxxx9913A	xxxxx9921	452206136550920	5/5/2006	Beltre in Florida; Procedures not done/or done by unqualified, unsupervised personnel	99213 73620 73620 73620 73620	\$108.00 \$84.00 \$84.00 \$35.00 <u>+\$35.00</u> \$346.00
7.	A.G.	xxxxx7292B	xxxxx9101	452806173341370	6/15/2006	Beltre in Puerto Rico; Procedures not done/or done by unqualified, unsupervised personnel	99334 11721	\$78.00 <u>+\$98.00</u> \$176.00
8.	D.C.	xxxxx6181D	xxxxx9934	452807078613830	3/1/2007	Beltre in Denver, CO; Procedures not done/or done by unqualified, unsupervised personnel	99307 11721	\$79.00 <u>+\$98.00</u> \$177.00

In violation of Title 18, United States Code, Section 1347 and Title 18, United States Code,
Section 2.

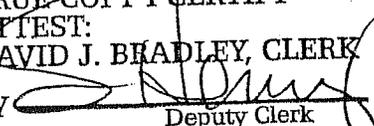
A TRUE BILL

FOREPERSON

TIM JOHNSON
UNITED STATES ATTORNEY



ASSISTANT UNITED STATES ATTORNEY

TRUE COPY I CERTIFY
ATTEST:
DAVID J. BRADLEY, CLERK
By 
Deputy Clerk

U.S. Department of Justice
United States Attorney

Magistrate

United States District Court
SOUTHERN District of Texas
McALLEN DIVISION

United States District Court
Southern District of Texas
FILED

SEP 10 2009

Clerk

UNITED STATES OF AMERICA

§
§
§
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§
§
§

GRAND JURY NO. 68

v.

CRIMINAL NO. M-09-1306

FRANKLIN BELTRE, D.P.M.
MANUELA K. ALANA

ORDER FOR BENCH WARRANT
AND SETTING AMOUNT OF BAIL

It appearing to the Court that an indictment has been returned against the below-named defendant, it is hereby

ORDERED that warrants be issued for the arrest of said defendant, and bail is hereby fixed in the amount(s) shown below, returnable instanter to the McAllen Division of this Court, such bail to be taken by any United States Magistrate.

DEFENDANT(s)

AMOUNT OF BAIL

FRANKLIN BELTRE, D.P.M.

NO BOND

MANUELA K. ALANA

NO BOND

Recommended by DVSA

ENTERED at McAllen, Texas, this 10th day of September, 2009.

[Signature]
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT Southern District of Texas

Holding Session in McAllen

UNITED STATES OF AMERICA
v.
MANUELA K. ALANA

JUDGMENT IN A CRIMINAL CASE

CASE NUMBER: 7:09CR01306-002

USM NUMBER: 68533-279

Mauro Barreiro
Defendant's Attorney

See Additional Aliases.

THE DEFENDANT:

- pleaded guilty to count(s) 4 on December 21, 2009
- pleaded nolo contendere to count(s) _____
which was accepted by the court.
- was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. § 1347 and 2	Health care fraud	05/03/06	4

See Additional Counts of Conviction.

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s) _____
- Count(s) 1,2,3,5,6,7 and 8 as to this defendant is are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

May 28, 2010
Date of Imposition of Judgment

RANDY CRANE
Signature of Judge

RANDY CRANE
UNITED STATES DISTRICT JUDGE
Name and Title of Judge

TRUE COPY I CERTIFY
ATTEST:
DAVID J. BRADLEY, CLERK
By [Signature]
Deputy Clerk

June 8, 2010
Date

DEFENDANT: MANUELA K. ALANA
CASE NUMBER: 7:09CR01306-002

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 24 months.

- See Additional Imprisonment Terms.
- The court makes the following recommendations to the Bureau of Prisons:
- The defendant is remanded to the custody of the United States Marshal.
- The defendant shall surrender to the United States Marshal for this district:
 - by 2:00 a.m. p.m. on June 21, 2010.
 - as notified by the United States Marshal.
- The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
 - before 2 p.m. on _____.
 - as notified by the United States Marshal.
 - as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: MANUELA K. ALANA
CASE NUMBER: 7:09CR01306-002

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of: 2 year(s).

See Additional Supervised Release Terms.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court. (*for offenses committed on or after September 13, 1994*)

- The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

See Special Conditions of Supervision.

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: MANUELA K. ALANA
CASE NUMBER: 7:09CR01306-002

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$100.		

See Additional Terms for Criminal Monetary Penalties.

The determination of restitution is deferred until _____ . An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.

The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal payees must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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See Additional Restitution Payees.

TOTALS	\$ _____ 0.00	\$ _____ 0.00
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Restitution amount ordered pursuant to plea agreement \$ _____

The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

The court determined that the defendant does not have the ability to pay interest and it is ordered that:

the interest requirement is waived for the fine restitution.

the interest requirement for the fine restitution is modified as follows:

Based on the Government's motion, the Court finds that reasonable efforts to collect the special assessment are not likely to be effective. Therefore, the assessment is hereby remitted.

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: MANUELA K. ALANA
CASE NUMBER: 7:09CR01306-002

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A Lump sum payment of \$ 100 due immediately, balance due
 - not later than _____, or
 - in accordance with C, D, E, or F below; or
- B Payment to begin immediately (may be combined with C, D, or F below); or
- C Payment in equal _____ installments of \$ _____ over a period of _____, to commence _____ days after the date of this judgment; or
- D Payment in equal _____ installments of \$ _____ over a period of _____, to commence _____ days after release from imprisonment to a term of supervision; or
- E Payment during the term of supervised release will commence within _____ days after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F Special instructions regarding the payment of criminal monetary penalties:
Make all payments payable to: U.S. District Clerk, Attn: Finance, P.O. Box 5059, McAllen, TX 78502.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

<u>Case Number</u> <u>Defendant and Co-Defendant Names</u> <u>(including defendant number)</u>	<u>Total Amount</u>	<u>Joint and Several</u> <u>Amount</u>	<u>Corresponding Payee,</u> <u>if appropriate</u>
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- See Additional Defendants and Co-Defendants Held Joint and Several.
- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant's interest in the following property to the United States:
- See Additional Forfeited Property.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

Inmate Locator - Locate Federal inmates from 1982 to present

Name	Register #	Age-Race-Sex	Release Date <small>Actual or Projected</small>	Location
1. MANUELA K ALANA	68533-279	41-White-F	04-09-2012	<u>BRYAN FPC</u>

Results 1 - 1 of 1

[New Search](#)

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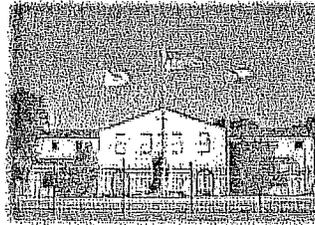
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JUL 31 2010
TEXAS PODIATRIC
MEDICAL EXAMINERS

FPC Bryan

The Federal Prison Camp Bryan, Texas, is a minimum security facility that houses female inmates.

FPC Bryan is located 95 miles northwest of Houston and 165 miles south of Dallas.

Judicial District: Southern Texas



[FPC Bryan
Contact Information](#)



[FPC Bryan
Admissions & Orientation
\(A&O\) Handbook](#)

Type: PDF
Size: 1.81 MB

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TEXAS PODIATRIC
MEDICAL EXAMINER*

[Legal Activities, Inmate](#)

Type: PDF
Size: 127.33 KB

[FPC Bryan
Visiting Regulations](#)

Type: PDF
Size: 89.85 KB

[FPC Bryan
Regulaciones de Visitas](#)

Type: PDF
Size: 94.11 KB