

TSBPME Case No. 07-006

**IN THE MATTER OF
FRANKLIN BELTRE, D.P.M.**

BOARD ORDER of

REVOCAATION

of LICENSE No. 1460

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**BEFORE THE TEXAS STATE
BOARD OF PODIATRIC
MEDICAL EXAMINERS**

SITTING IN AUSTIN,

TRAVIS COUNTY, TEXAS

BOARD ORDER

BE IT REMEMBERED that on the date approved and entered below came to be considered the allegations against Franklin Beltre, DPM. By Order dated August 2, 2010, the Texas State Board of Podiatric Medical Examiners (the "Board") approved an Order of revocation against Beltre pursuant to Tex. Occ. Code §53.021. The revocation results from Beltre's felony conviction in USA v. Franklin Beltre, DPM (Judgment In A Criminal Case; Case No. 7:09CR01306-001).

The Board makes the following Findings of Fact and Conclusions of Law and enters this Order:

FINDINGS OF FACT

1. Beltre was licensed as a podiatric physician in the State of Texas (License Number 1460) to practice podiatric medicine and was therefore subject to the jurisdiction of the Board, the Podiatric Medical Practice Act of Texas and the rules of the Board.
2. On January 27, 2010, regarding Case No. 7:09CR01306-001 adjudicated in the United States District Court, for the Southern District of Texas (Holding Session in McAllen, TX), Beltre plead guilty to felony Count Six (6) of "Health Care Fraud" (18 U.S.C. §1347 and 2).
3. On May 28, 2010, Beltre was convicted of felony Count Six (6) of "Health Care Fraud" (18 U.S.C. §1347 and 2) and sentenced to prison and ordered to pay restitution. See a copy of the USA indictment and final judgment/conviction order in "Attachment A."
4. The felony conviction is directly related to the Medicare and Medicaid programs within Beltre's healthcare provider licensure as a podiatric physician. Restitution attributed to Beltre's criminal conduct was ordered at \$508,439.70 to the U.S. Department of Health & Human Services, Medicare Insurance Program and at \$182,688.34 to the Texas Department of Human Services, Medicaid Insurance Program for a total of \$691,128.04 (Medicare/Medicaid).
5. On June 14, 2010, Beltre's Judgment In A Criminal Case was final.
6. Beltre has been committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of thirty-six (36) months on Count Six (6).

7. Beltre has surrendered for service of sentence to the United States Bureau of Prisons at a facility to be determined by the United States Bureau of Prisons. Beltre has been imprisoned; Inmate No. 68529-279. See a copy of evidence of imprisonment in "Attachment B."

CONCLUSIONS OF LAW

1. Texas Occupations Code, §53.021(a)(1) provides that, "a licensing authority may suspend or revoke a license, disqualify a person from receiving a license, or deny to a person the opportunity to take a licensing examination on the grounds that the person has been convicted of an offense that directly relates to the duties and responsibilities of the licensed occupation."
2. Texas Occupations Code, §53.021(b) provides that, "a license holder's license shall be revoked on the license holder's imprisonment following a felony conviction, felony community supervision revocation, revocation of parole, or revocation of mandatory supervision."
3. The Findings of Fact numbers 1 through 7 establish that Beltre's felony conviction and subsequent imprisonment subject his license to revocation pursuant to Texas Occupations Code §53.021(b).

ORDER

1. Beltre's license to practice Podiatric Medicine, license no. 1460, is REVOKED.
2. Beltre shall return to the Board any certificate or other document evidencing licensure, expired or current. Failure to return such documentation may result in the Board seeking injunctive relief against Beltre to prevent him from practicing podiatric medicine as it is defined in Tex. Occup. Code Ann., §202.001 et seq.
3. Beltre's podiatric practice is to remain closed for the purposes of receiving, diagnosing, treating, or consulting with patients, and Beltre may not participate for income in any professional activity that is related to the diagnosis or treatment of a patient. Beltre may refer his patients to another practitioner for treatment or consultation during the time that Beltre is not licensed, but Beltre shall not derive any income from such referrals.
4. Beltre shall not represent himself to be a podiatrist and shall not offer and shall not accept to consult with, diagnose or treat a patient.
5. Beltre shall permit a Board representative or staff member to periodically enter his place of business and/or the facility at which he previously maintained an office, announced or unannounced, during the hours of 8:00 a.m. to 5:00 p.m. on any weekday that is not a federal holiday to ensure compliance with this Order.
6. The terms of this Board Order become effective the date the Order is signed.

T EXAS 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



ATTACHMENT

“A”



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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**TEXAS PODIATRIC
MEDICAL EXAMINERS**

68

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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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.

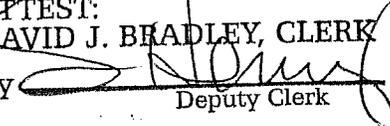
A TRUE BILL

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
DUSA*

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.
FRANKLIN BELTRE, D.P.M.

JUDGMENT IN A CRIMINAL CASE

CASE NUMBER: 7:09CR01306-001

USM NUMBER: 68529-279

Philip H. Hilder
Defendant's Attorney

See Additional Aliases.

THE DEFENDANT:

- pleaded guilty to count(s) 6 on January 27, 2010
- 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	05/05/06	6

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) 1,2,3,4,5,7 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

June 14, 2010
Date

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

DEFENDANT: **FRANKLIN BELTRE, D.P.M.**
CASE NUMBER: **7:09CR01306-001**

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 36 months.

The defendant shall surrender to the United States Marshal for the Southern District of Texas, Houston Division, 515 Rusk Avenue, by 2:00 p.m. on June 14, 2010.

See Additional Imprisonment Terms.

The court makes the following recommendations to the Bureau of Prisons:
That the defendant be placed in an institution as close as possible to his residence.

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 _____ a.m. p.m. on _____.

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: **FRANKLIN BELTRE, D.P.M.**
CASE NUMBER: **7:09CR01306-001**

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of: 3 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: **FRANKLIN BELTRE, D.P.M.**
CASE NUMBER: **7:09CR01306-001**

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		\$691,128.04

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>
U.S. Department of Health & Human Services, Medicare Insurance Program		\$508,439.70	
Texas Department of Human Services, Medicaid Insurance Program		\$182,688.34	

See Additional Restitution Payees.

TOTALS	\$ <u> 0.00</u>	\$ <u> 691,128.04</u>
---------------	--------------------------	------------------------

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: **FRANKLIN BELTRE, D.P.M.**
CASE NUMBER: **7:09CR01306-001**

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:
Payment of the \$691,128.04 restitution is to be made in equal monthly installments during the defendant's Supervised Release Term as established by the U.S. Probation Office and to commence 90 days after release from imprisonment, with any remaining balance due 30 days prior to expiration of the defendant's term of Supervised Release.

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.

T EXAS STATE BOARD OF PODIATRIC MEDICAL EXAMINERS

PHYSICAL ADDRESS: 333 GUADALUPE, TOWER II, SUITE 320, AUSTIN, TEXAS 78701

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NATIONAL TOLL FREE COMPLAINT HOTLINE: 1-800-821-3205

VOICE: 512-305-7000 FAX: 512-305-7003



ATTACHMENT “B”

Inmate Locator - Locate Federal inmates from 1982 to present

Name	Register #	Age-Race-Sex	Release Date <small>Actual or Projected</small>	Location
1. FRANKLIN BELTRE	68529-279	40-Black-M	02-20-2013	IN TRANSIT

Results 1 - 1 of 1

[New Search](#)

[FAQs](#)

[Privacy](#)

Inmate Locator - Locate Federal inmates from 1982 to present

Name	Register #	Age-Race-Sex	Release Date Actual or Projected	Location
1. FRANKLIN BELTRE	68529-279	40-Black-M	02-20-2013	<u>HOUSTON FDC</u>

Results 1 - 1 of 1

[New Search](#)

[FAQs](#)

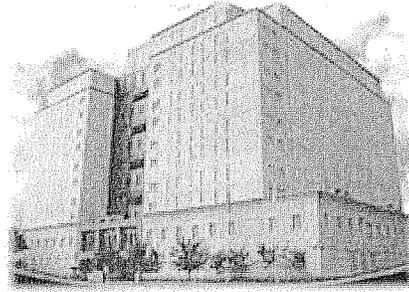
[Privacy](#)

FDC Houston

The Federal Detention Center (FDC) in Houston, Texas is an administrative facility housing male and female pretrial and holdover inmates.

FDC Houston is located in downtown Houston, at the intersection of Texas and San Jacinto Avenues.

Judicial District: Southern Texas



[FDC Houston Contact Information](#) 

[FDC Houston Admissions & Orientation \(A&O\) Handbook](#) Type: 
PDF
Size: 171.36 KB

[FDC Houston La admisión & Guía de Orientación](#) Type: 
PDF
Size: 194.79 KB

[FDC Houston Holdovers Admissions & Orientation \(A&O\) Handbook](#) Type: 
PDF
Size: 7.61 KB

[Legal Activities, Inmate](#) Type: 
PDF
Size: 127.33 KB

[FDC Houston Visiting Regulations](#) Type: 
PDF
Size: 1.39 MB

[FDC Houston Regulaciones de Visitas](#) Type: 
PDF
Size: 1.57 MB

FDC Houston Contact Information

Prison facilities have a number of different addresses -- the one you use will depend on whether you are sending something to an inmate or to a staff member, and on the type of mail carrier you select. The United States Postal Service (USPS) is normally the exclusive means for inmates to receive mail and packages.

Inmate Mail/Parcels

Do not send funds to this address; for more information go to the [Inmate Money page](#). Use this address when sending correspondence and parcels to inmates confined at this facility.

INMATE NAME & REGISTER NUMBER

FDC HOUSTON
FEDERAL DETENTION CENTER
P.O. BOX 526255
HOUSTON, TX 77052

Physical Address (Do not use for mail unless it is the same as the mailing address listed.)

Use this address for in-person visits.

FDC HOUSTON
FEDERAL DETENTION CENTER
1200 TEXAS AVENUE
HOUSTON, TX 77002
[MapQuest® Map and Directions](#)¹

Phone: 713-221-5400

Fax: 713-229-4200

E-mail address²: HOU/EXECASSISTANT@BOP.GOV

¹*Discretion is advised: In some cases MapQuest® may not find the exact address.*

²*This e-mail address should be used only if you have questions that are specific to this location. For general questions, go to our [Contact Us page](#).*

Shipping

Use this address when shipping freight and non-USPS parcels. At most facilities, freight deliveries are generally processed through the warehouse.

STAFF NAME

FDC HOUSTON

FEDERAL DETENTION CENTER

ATTN: WAREHOUSE

1200 TEXAS AVENUE

HOUSTON, TX 77002

Staff Mail

Use this address when sending correspondence and parcels to staff.

STAFF NAME

FDC HOUSTON

FEDERAL DETENTION CENTER

P.O. BOX 526245

HOUSTON, TX 77052