

CAUSE NO. \_\_\_\_\_

<b>HARLINGEN FAMILY DENTISTRY, P.C.,</b>	§	<b>IN THE DISTRICT COURT</b>
<i>Petitioner,</i>	§	
	§	
<b>VS.</b>	§	
	§	
<b>DR. KYLE JANEK, Executive Commissioner of Texas Health and Human Services Commission, and DOUG WILSON, Inspector General, for the Office of the Inspector General,</b>	§	<b>____ JUDICIAL DISTRICT</b>
<i>Respondents.</i>	§	
	§	<b>TRAVIS COUNTY, TEXAS</b>
<b>STATE OF TEXAS</b>	§	
<b>CAMERON COUNTY</b>	§	

**AFFIDAVIT OF DR. JUAN VILLARREAL, DDS**

Before me, the undersigned notary, on this day personally appeared Dr. Juan Villarreal, DDS the affiant, a person whose identity is known to me. After I administered an oath to affiant, affiant testified:

1. “My name is Juan Villarreal. I am over 18 years of age, of sound mind, and capable of making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

2. I have been a licensed Texas dentist since 1983. I am a qualified Medicaid provider and have been approved as a provider with a Texas Dental Managed Care Organization (MCO) as part of the Texas Department of Health and Human Services’ (HHSC) transition to a managed care model of services. I am also an owner of Harlingen Family Dentistry, P.C., and I am authorized to speak on its behalf.

3. On September 30, 2011, the Office of Inspector General, Health and Human Services Commission, instituted a payment hold against Harlingen Family Dentistry, P.C. The office received notice of the payment hold on or about October 8, 2011. The payment hold was for 100% of Harlingen Family Dentistry’s orthodontic Medicaid future billings. Orthodontic billings represented approximately 40% of Harlingen Family Dentistry’s total Medicaid billings at that time. Therefore, the Office of Inspector General withheld 40% of Harlingen

Family Dentistry's total Medicaid billings.

4. Harlingen Family Dentistry stopped providing orthodontic Medicaid services, and no longer provides such services. Harlingen Family Dentistry does continue to provide general dentistry to Medicaid patients.

5. At a subsequent payment hold hearing at the State Office of Administrative Hearings, Administrative Law Judge Susan Kilgore found no evidence that was credible, reliable, or verifying, or that had an indicia of reliability, that Harlingen Family Dentistry committed fraud or misrepresentation. The Administrative Law Judge recommended that any payment hold be reduced to 4% of Harlingen Family Dentistry's total Medicaid reimbursement. The Health and Human Services Commission adopted that recommendation, and the proposal for decision, in full. The payment hold was reduced to 4% of Harlingen Family Dentistry's future total Medicaid billings on January 16, 2013. Neither the Health and Human Services Commission, nor the Office of the Inspector General, have released the amount of money held in excess of the approved 4% hold prior to the final order.

6. On October 12, 2012, and again on January 16, 2013, a request to release the funds held in excess of the 4% payment hold was made to the Office of the Inspector General. The Office of the Inspector General has refused to release funds that were held in excess of the 4% payment hold. The 4% payment hold remains in place today, and the Texas Health and Human Services Commission continues to withhold funds from all present and future Medicaid billings on behalf of the Office of the Inspector General.

7. As of January 16, 2013, the total amount of funds withheld as a result of the payment hold was \$1,379,195.05. As of May 7, 2013, the total amount of funds withheld as a result of the payment hold is \$1,414,180.54.”

Further affiant sayeth not.

\_\_\_\_\_  
Juan Villarreal, DDS

Sworn to and subscribed before me by Juan Villarreal on May 7, 2013.

\_\_\_\_\_  
Notary Public in and for the State of Texas

My commission expires: \_\_\_\_\_