

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon.
 :
 v. : Criminal No. 11-
 :
 MICHAEL P. STEIN : 18 U.S.C. § 1347

I N F O R M A T I O N

The defendant having waived in open court prosecution by Indictment, the United States Attorney for the District of New Jersey charges:

1. At all times relevant to this Information:

a. Defendant MICHAEL P. STEIN was a licensed medical practitioner and the owner and operator of Randolph Otolaryngology P.C., a medical treatment facility located in Randolph, New Jersey.

b. J.F. was a patient of MICHAEL P. STEIN from in or about August 2004 through in or about September 2010, and was treated primarily at the Randolph, New Jersey location.

c. J.F. was the beneficiary of a health insurance policy with Excellus Blue Cross/Blue Shield ("Blue Cross/Blue Shield"), a "health care benefit program" as defined in Title 18, United States Code 24(b).

The Scheme to Defraud

2. From in or about August 2004 through in or about September 2010, in Morris County, in the District of New Jersey, and elsewhere, defendant

MICHAEL P. STEIN

did knowingly and willfully execute and attempt to execute a scheme and artifice (1) to defraud, and (2) to obtain, by means of false and fraudulent pretenses, representations, and promises, 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.

Methods and Means of the Scheme

3. Among the methods and means employed by defendant MICHAEL P. STEIN to carry out the scheme, defendant MICHAEL P. STEIN submitted fraudulent claims for reimbursement to Blue Cross/Blue Shield based on medical services that were not rendered in the treatment of patient J.F. from in or about August 2004 through in or about September 2010 ("the relevant time period").

4. For example, during the relevant time period, defendant MICHAEL P. STEIN submitted claims to Blue Cross/Blue Shield for approximately 900 nasal endoscopies purportedly performed by defendant MICHAEL P. STEIN on J.F. In truth, defendant MICHAEL P. STEIN performed at most a few nasal endoscopies on J.F. during the relevant time period.

5. As a further example, during the relevant time period, defendant MICHAEL P. STEIN submitted claims to Blue Cross/Blue Shield for office visits by J.F. relating to dates when defendant MICHAEL P. STEIN was not actually present at his office and no such office visits occurred. Specifically, between on or about September 6, 2010, and on or about September 27, 2010, defendant MICHAEL P. STEIN billed Blue Cross/Blue Shield for eleven nasal endoscopies and ten office/outpatient visits for purported services rendered to J.F. In truth, J.F. ceased to see defendant MICHAEL P. STEIN as J.F.'s doctor on or about September 3, 2010, and defendant MICHAEL P. STEIN was in Germany from on or about September 11, 2010, through on or about September 27, 2010.

6. Blue Cross/Blue Shield paid insurance claims to defendant MICHAEL P. STEIN based upon submission of claims by defendant MICHAEL P. STEIN for the described office visits and nasal endoscopies in the treatment of J.F. that were not in fact performed.

7. In this fashion, defendant MICHAEL P. STEIN received in excess of \$725,000 in reimbursement from Blue Cross/Blue Shield based upon fraudulent claims.

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

FORFEITURE ALLEGATIONS

1. The allegations contained in pages one through three of this Information are hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 982(a) (7).


2. Pursuant to Title 18, United States Code, Section 982(a) (7), upon conviction of an offense in violation of Title 18, United States Code, Section 1347, the defendant, MICHAEL P. STEIN, shall forfeit to the United States of America any property, real or personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of the offense. The property to be forfeited includes, but is not limited to, \$725,156.45 in United States currency.

3. If any of the property described above, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty,

it is the intent of the United States of America, pursuant to Title 21, United States Code, Section 853(p) to seek forfeiture of any other property of the defendant up to the value of the

property described above in paragraph 2 pursuant to Title 28,
United States Code, Section 2461(c), and Title 18, United States
Code, Section 981(a) (1) (C).



PAUL J. FISHMAN
United States Attorney

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INFORMATION FOR

18 U.S.C. § 1347

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