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**FORMER CHAIR OF TEMPLE'S OPHTHALMOLOGY DEPARTMENT CONVICTED OF
HEALTH CARE FRAUD**

PHILADELPHIA – A federal jury today convicted Dr. Joseph J. Kubacki, 62, of Destin, Florida, of 150 counts of health care fraud, wire fraud, and making false statements in health care matters, announced United States Attorney Zane David Memeger. Kubacki was the Chairperson of the Ophthalmology Department of the Temple University School of Medicine and also served as the Assistant Dean for Medical Affairs when, between 2002 and 2007, he caused thousands of false claims to be submitted to health care benefit programs with false charges totaling more than \$4.5 million for services rendered to patients whom Kubacki did not personally see or evaluate. A sentencing hearing has not yet been scheduled. Following the verdict, U.S. District Court Judge Eduardo C. Robreno ordered that Kubacki's bail be revoked and remanded him into federal custody.

At Kubacki's direction, staff employees in the Ophthalmology Department would stack patient charts outside Kubacki's office door at the main campus of Temple University Hospital. The patients had been seen by other physicians in the office but Kubacki would make notations in the charts falsely indicating that he had personally seen and evaluated the patients. In fact, Kubacki was outside of Pennsylvania in other locations on some of the days that he claimed to have treated patients, including Las Vegas, Nevada, Sarasota, Florida and Indian Wells, California. But Kubacki would sign the patient charts and would fill out fee slips for the services that he falsely claimed to have provided to the patients. As a result, health care benefit programs, including Medicare and private health insurers, made payments on fraudulent claims in excess of \$1.5 million. Kubacki also made false statements in the medical records of patients attesting that he had personally seen the patients, when, as Kubacki knew, he had created these false records solely for the purpose of submitting fraudulent billings to health care benefit programs.

Kubacki faces in excess of 87 months in prison, a fine of up to \$36 million, mandatory restitution, and three years supervised release.

The case was investigated by the U.S. Department of Health and Human Services Office of Inspector General and the Federal Bureau of Investigation. It is being prosecuted by Assistant United States Attorneys Anthony Kyriakakis and Matthew Hogan.

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