



U.S. Department of Justice

United States Attorney

Eastern District of Pennsylvania

615 Chestnut Street
Suite 1250
Philadelphia, Pennsylvania 19106-4476
(215) 861-8200

For Immediate Release

January 25, 2011

**OPHTHALMOLOGIST CHARGED IN HEALTH CARE FRAUD SCHEME
INVOLVING MORE THAN \$3 MILLION IN FRAUDULENT CLAIMS**

PHILADELPHIA – Dr. Joseph J. Kubacki was charged today in a 144-count indictment¹ with health care fraud and making false statements in health care matters, announced United States Attorney Zane David Memeger. The indictment alleges that 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. According to the indictment, between 2002 and 2007, Kubacki caused thousands of false claims to be submitted to health care benefit programs with false charges totaling more than \$3 million for services rendered to patients whom Kubacki did not personally see or evaluate.

Defendant Kubacki allegedly directed staff employees in the Ophthalmology Department to bring to his office the charts of patients seen by other physicians in the Ophthalmology Department. As a result, it is alleged that large stacks of patient charts frequently were stacked outside Kubacki's office door at the main campus of Temple University Hospital. The indictment alleges that, after defendant Kubacki collected the patient charts, he would make notations in the charts falsely indicating that he had personally seen and evaluated the patients. It is alleged that Kubacki would then sign the patient charts and would fill out fee slips for the services that he falsely claimed to have provided to the patients. According to the indictment, 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. As a result, health care benefit programs, including Medicare and private health insurers, allegedly made payments on fraudulent claims in excess of \$1.5 million. The indictment further charges that Kubacki 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.

INFORMATION REGARDING THE DEFENDANT

¹An Indictment or Information is an accusation. A defendant is presumed innocent unless and until proven guilty.

NAME	ADDRESS	AGE OR YEAR OF BIRTH
Joseph J. Kubacki	Destin, FL	61

If convicted, the defendant faces a substantial term of imprisonment, a fine of \$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 and is being prosecuted by Assistant United States Attorney Anthony Kyriakakis.

**UNITED STATES ATTORNEY'S OFFICE
EASTERN DISTRICT, PENNSYLVANIA
Suite 1250, 615 Chestnut Street
Philadelphia, PA 19106**

**Contact: PATTY HARTMAN
Media Contact
215-861-8525**

*COPIES OF NEWS MEMOS AND RELATED DOCUMENTS CAN ALSO BE FOUND AT
<http://www.usdoj.gov/usao/pae>*