

---

---

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

---

---

UNITED STATES OF AMERICA : Hon. André M. Espinosa, U.S.M.J  
 :  
 v. : Mag. No. 23-11136  
 :  
 H&D SONOGRAPHY LLC :  
 : **CRIMINAL COMPLAINT**  
 :  
 :

I, Jeffrey Skonieczny, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

**SEE ATTACHMENT A**

I further state that I am a Special Agent with the Federal Bureau of Investigation, and that this complaint is based on the following facts:

**SEE ATTACHMENT B**

continued on the attached page and made a part hereof.

s/ Jeffrey Skonieczny  
Jeffrey Skonieczny, Special Agent  
U.S. Department of Health and Human  
Services Office of Inspector General

Special Agent Skonieczny attested to this Affidavit by telephone pursuant to F.R.C.P. 4.1(B)(2)(A) on this 17th day of August 2023.

s/André M. Espinosa  
Hon. André M. Espinosa  
United States Magistrate Judge

**ATTACHMENT A**

**(Conspiracy to Violate the Federal Anti-Kickback Statute)**

From at least as early as in or around January 2015 through at least in or around December 2018 in the District of New Jersey, and elsewhere, defendant,

**H&D Sonography LLC,**

did knowingly and intentionally conspire and agree with others to commit an offense against the United States, that is, to knowingly and willfully offer and pay remuneration, including any kickback, bribe, and rebate, directly and indirectly, overtly and covertly, in cash and in kind, to any person to induce such person to refer an individual to a person for the furnishing or arranging for the furnishing of any item or service for which payment may be made in whole or in part under a Federal health care program, namely Medicare, contrary to Title 42, United States Code, Section 1320a-7b(b)(2)(A).

All in violation of Title 18, United States Code, Section 371.

## **ATTACHMENT B**

I, Jeffrey Skonieczny, am a Special Agent with the U.S. Department of Health and Human Services Office of Inspector General. I am fully familiar with the facts set forth herein based on my own investigation, my conversations with other law enforcement officers, and my review of reports, documents, and other evidence obtained. Where statements of others are related herein, they are related in substance and part. Because this complaint is being submitted for a limited purpose, I have not set forth each and every fact that I know concerning this investigation. Where I assert that an event took place on a particular date, I am asserting that it took place on or about the date alleged.

1. At all times relevant to this Complaint, Defendant H&D Sonography LLC (hereinafter, "H&D"), was a sonography company and a management company based in Parsippany, New Jersey.

### **I. Background on H&D and Relevant Individuals**

2. H&D provided health care services to patients that included ultrasound imaging and echocardiograms (collectively, the "diagnostic tests"). H&D had a National Provider Identifier ("NPI"), a unique identification number that insurance programs used to identify health care providers.

3. Physician-1, Physician-2, and Physician-3 were physicians practicing in New Jersey. Physician-1 and Physician-2 each operated separate medical practices but shared one physical office space (the "Shared Office").

4. Technician-1 was an ultrasound technician employed by H&D.

### **II. Overview of the Conspiracy to Violate the Federal Anti-Kickback Statute**

5. Beginning at least as early as January 2015, H&D and others agreed to pay rent in excess of reasonable value to physicians to induce the physicians to refer patients for diagnostic testing to H&D.

6. These agreements called for inflated rent payments from H&D to the physicians, purportedly to use space in the physicians' offices for a set number of hours each week in order to perform diagnostic tests. However, H&D agreed to pay for significantly more hours than the technicians actually used as a method to funnel payments to physicians.

7. For example, from in or around January 2015 through in or around December 2015, H&D paid Physician-1 and Physician-2 approximately \$1,000 each per month in order to induce referrals for diagnostic tests to H&D. H&D structured the payments as sublease payments for the physicians' Shared Office. However, the sublease payments that H&D paid the physicians—totaling \$2,000 a month—were more than the value of the total rent that the physicians paid for the Shared Office.

8. From in or around January 2016 to in or around January 2017, H&D continued paying Physician-1 and Physician-2 approximately \$700 each per month in order to induce referrals for diagnostic tests. H&D structured the bribes as sublease payments for the physicians' Shared Office. Under the terms of H&D's contract with Physician-1 and Physician-2, H&D agreed to pay for significantly more hours than the technicians used so that the payments would appear to be legitimate payments for rent.

9. Similarly, from in or around January 2015 through in or around December 2015, H&D paid Physician-3 approximately \$1,500 per month in order to induce referrals for diagnostic tests. H&D structured the payments as lease payments from H&D (\$750 monthly) and Sonography Company-2 (\$750 monthly).

10. From in or around January 2016 continuing at least through April 2017, H&D paid Physician-3 approximately \$1,500 each per month in order to induce referrals for diagnostic tests. H&D again structured the payments as lease payments and agreed to pay Physician-3 for significantly more hours than the technicians actually needed.

11. After H&D began making payments, the physicians in receipt of those payments began to refer patients to H&D for diagnostic tests, which were then billed to Medicare.

12. In furtherance of the conspiracy, and in order to effect the goal thereof, H&D and others committed or caused the commission of the following overt acts in the District of New Jersey and elsewhere:

a. On or about December 1, 2015, H&D caused a payment of approximately \$750 to Physician-3 in New Jersey.

b. On or about December 1, 2015, H&D caused a payment of approximately \$750 to be made from Sonography Company-1 to Physician-3 in New Jersey.

c. On or about March 3, 2016, H&D caused a payment of approximately \$1,500 to Physician-3 in New Jersey.

d. On or about April 1, 2016, H&D caused a payment of approximately \$1,500 to Physician-3 in New Jersey.

e. On or about April 1, 2016, H&D caused a payment of approximately \$700 to Physician-1 in New Jersey.

f. On or about April 1, 2016, H&D caused a payment of approximately \$700 to Physician-2 in New Jersey.

g. On or about May 1, 2016, H&D caused a payment of approximately \$700 to Physician-1 in New Jersey.

h. On or about May 1, 2016, H&D caused a payment of approximately \$700 to Physician-2 in New Jersey.