

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA : Hon.
 :
 v. : Crim. No. 23-
 :
 TAUQIR KHAN : 18 U.S.C. § 371
 :

INFORMATION

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

(Conspiracy to Violate Anti-Kickback Statute)

1. At all times relevant to this Information:

Relevant Individuals and Entities

- a. Metpath Laboratories, Inc. (“Metpath”) was a clinical laboratory located in Parsippany, New Jersey that purported to, among other things, conduct testing to detect the presence of coronavirus 2019 disease (“COVID-19”) in samples obtained from individual patients.

- b. Defendant Tauqir Khan (“KHAN”) resided in Pennington, New Jersey, and was a marketer for Metpath.

- c. Abid Syed (“Syed”), a co-conspirator not charged in this Information, resided in East Hanover, New Jersey and operated and controlled Metpath.

d. Tariq Din (“Din”), a co-conspirator not charged in this Information, resided in Saddle River, New Jersey and, together with co-conspirator Syed, operated and controlled Metpath.

e. Individual-1 was a marketer for Metpath.

COVID-19 Testing and Health Insurance

f. To conduct a COVID-19 test, a laboratory such as Metpath obtained a sample—usually in the form of a nasal swab—from a patient. The laboratory would then test the sample to determine whether the patient was infected with COVID-19.

g. If the patient had insurance, such as Medicare, the laboratory would submit a claim for reimbursement for the COVID-19 test to the patient’s insurance carrier.

h. Medicare was a federal program that provided free or below-cost health care insurance benefits to certain individuals, primarily the elderly, blind, and disabled. The Medicare Part B Program was a federally funded supplemental insurance program that provided Medicare insurance benefits for individuals aged 65 or older, and for certain disabled individuals. Individuals who received benefits under Medicare were commonly referred to as “beneficiaries.” The Medicare Part B Program paid for various medical services for beneficiaries, including COVID-19 testing.

i. During the global COVID-19 pandemic, the Health Resources and Services Administration (“HRSA”)—a federal agency within the U.S. Department of Health and Human Services—provided support to health care

providers through the COVID-19 Claims Reimbursement to Health Care Providers and Facilities for Testing, Treatment, and Vaccine Administration for the Uninsured Program (the “HRSA COVID-19 Uninsured Program”).

j. The HRSA COVID-19 Uninsured Program provided insurance claims reimbursement to health care providers for COVID-19 testing, treatment, and vaccine administration for uninsured individuals who did not have health care coverage at the time services were rendered. Reimbursement for claims, generally at Medicare rates, were made for qualifying diagnostic testing for COVID-19.

k. Medicare and the HRSA COVID-19 Uninsured Program each were “Federal health care programs” as defined in 42 U.S.C. § 1320a-7b(f) and “health care benefit programs” as defined in 18 U.S.C. § 24(b).

l. Laboratories performing COVID-19 testing submitted reimbursement claims to Medicare, the HRSA COVID-19 Uninsured Program, other federal insurance programs, and commercial insurance.

Overview

2. From in or around April 2021 through in or around March 2022, KHAN agreed with Syed, Din, and others to solicit and receive kickbacks and bribes from Syed and Din in exchange for KHAN referring COVID-19 tests, or causing them to be referred, to Metpath. Specifically, KHAN introduced marketers to Metpath, and, in exchange, the conspirators agreed that KHAN would receive kickbacks from Metpath through marketers after the marketers referred COVID-19 tests to Metpath.

The Conspiracy

3. From in or about April 2021 through in or about March 2022, in the District of New Jersey and elsewhere, defendant

TAUQIR KHAN

did knowingly and intentionally conspire and agree with others to knowingly and willfully solicit and receive any remuneration, including any kickback, bribe, or rebate, directly or indirectly, overtly or covertly, in cash or in kind, in return for purchasing, leasing, ordering, or arranging for or recommending purchasing, leasing, or ordering any good, facility, service, or item, namely COVID-19 testing samples, for which payment was made in whole or in part under a Federal health care program, as defined in Title 42, United States Code, Section 1320a-7b(f), namely, Medicare and the HRSA COVID-19 Uninsured Program, contrary to Title 42, United States Code, Section 1320a-7b(b)(1)(B).

Goal of the Conspiracy

4. The goal of the conspiracy was for defendant KHAN and his co-conspirators to unlawfully profit by directing COVID-19 test samples to Metpath, which then used federal health care program reimbursements to pay kickbacks and bribes to marketers, including KHAN.

Manner and Means of the Conspiracy

5. To carry out the conspiracy and to effect its unlawful object, Defendant KHAN engaged in a variety of means and methods including, among others, those described below.

6. In or around February 2021, KHAN introduced Individual-1 to Syed so that Individual-1 could begin referring COVID-19 test samples to Metpath in exchange for kickbacks.

7. In exchange, KHAN expected to receive a portion of the kickback payments made by Metpath to Individual-1.

8. In or around April 2021, Syed agreed to pay Individual-1 approximately \$25 for every COVID-19 test sample that Individual-1 referred or caused to be referred to Metpath.

9. By September 2021, Individual-1 had referred approximately 113 COVID-19 test samples to Metpath. In return, Syed paid Individual-1 approximately \$2,825.00—or \$25 per sample—as a kickback.

10. Likewise, in November 2021, Individual-1 had referred approximately 134 COVID-19 test samples to Metpath. In return, Syed paid Individual-1 approximately \$3,350.00 as a kickback.

11. To try to hide the kickback payments, Syed at times added a small amount of additional money to the kickbacks paid to Individual-1 to make it appear as if Individual-1 was a “consultant” for Metpath with legitimate business expenses.

12. KHAN expected Individual-1 to split these kickback payments with him and any sub-marketers whom Individual-1 in turn introduced to Metpath.

13. In total, Metpath received more than \$3.5 million in reimbursements from Medicare and the HRSA COVID-19 Uninsured Program for COVID-19 test

samples. All of those reimbursements were the result of referrals made by marketers to Metpath, which were thus ineligible for reimbursement.

Overt Acts

14. In furtherance of the conspiracy and to effect its unlawful object, defendant KHAN and his co-conspirators committed or caused the commission of the following overt acts in the District of New Jersey and elsewhere:

a. In or around February 2021, KHAN introduced Individual-1 to Metpath. KHAN provided Individual-1 with contact information for Syed, noting that KHAN had already informed Syed that Individual-1 was interested in directing COVID-19 tests to Metpath for payment.

b. On or about September 29, 2021, Syed gave Individual-1 a \$2,825.00 check as a kickback payment for the approximately 113 COVID-19 test samples that Individual-1 had referred to Metpath in August 2021.

c. On or about November 19, 2021, SYED gave Individual-1 a \$3,350.00 check as a kickback payment for the approximately 134 COVID-19 test samples that Individual-1 referred to Metpath in October 2021.

In violation of Title 18, United States Code, Section 371.

FORFEITURE ALLEGATION


1. Upon conviction of the Federal health care offense (as defined in 18 U.S.C. § 24) alleged in this Information, defendant KHAN shall forfeit to the United States, pursuant to 18 U.S.C. § 982(a)(7), all property, real or personal, that constitutes or is derived, directly and indirectly, from gross proceeds traceable to the commission of the offense (as defined in 18 U.S.C. § 24) alleged in this Information.

SUBSTITUTE ASSETS PROVISION

2. If any of the above-described forfeitable property, 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;

the United States shall be entitled, pursuant to 21 U.S.C. § 853(p) (as incorporated by 28 U.S.C. § 2461(c) and 18 U.S.C. § 982(b)), to forfeiture of any other property of the defendant up to the value of the above-described forfeitable property.



PHILIP R. SELLINGER
United States Attorney
District of New Jersey

CASE NUMBER: 23-_____

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INFORMATION FOR

18 U.S.C. § 371

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