

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
AT BOWLING GREEN

2015 JUN 10 AM 11:47

UNITED STATES OF AMERICA

v.

**CHARLES FRED GOTT**

INDICTMENT

NO.

15-CR-13-GNS

21 U.S.C. § 846  
21 U.S.C. § 841(a)(1)  
21 U.S.C. § 841(b)(1)(C)  
21 U.S.C. § 841(b)(1)(E)(i)  
21 U.S.C. § 841(b)(2)  
21 U.S.C. § 853  
18 U.S.C. § 1347  
18 U.S.C. § 1957  
18 U.S.C. § 982(a)(1)  
18 U.S.C. § 982(a)(7)

The Grand Jury charges:

COUNT 1  
(Conspiracy)

In or about and between 2006 and September 19, 2013, in the Western District of Kentucky, Warren County, Kentucky, and elsewhere, the defendant, **CHARLES FRED GOTT**, knowingly conspired with other persons, known and unknown to the Grand Jury, to knowingly and intentionally distribute and dispense, not for a legitimate medical purpose in the usual course of professional practice, Schedule II, Schedule III, and Schedule IV controlled substances, in violation of Title 21, United States Code, Section 841(a)(1).

In violation of Title 21, United States Code, Sections 846, 841(b)(1)(C), 841(b)(1)(E)(i), and 841(b)(2).

The Grand Jury further charges:

COUNTS 2-10

(Unlawful Distribution and Dispensing of Controlled Substances-Schedule II)

During the date ranges listed below, in the Western District of Kentucky, Warren County, Kentucky, and elsewhere, the defendant, **CHARLES FRED GOTT**, knowingly and intentionally distributed and dispensed, and caused to be distributed and dispensed, not for a legitimate medical purpose in the usual course of professional practice, Schedule II controlled substances to the patients listed below:

COUNTS	DATE	DRUG(s)	PATIENT
2	April 6, 2011, through September 19, 2013	Methadone	A.A.
3	October 5, 2010, through December 27, 2011	Fentanyl	R.B.
4	June 6, 2012, through August 21, 2013	Methadone	J.P.
5	March 9, 2011, through May 20, 2013	Methadone	A.G.
6	August 12, 2009, through August 16, 2012	Methadone	C.C.
7	December 2, 2010, through September 19, 2013	Methadone	T.E.
8	May 10, 2011, through September 19, 2013	Methadone	J.B.
9	September 14, 2011, through July 28, 2012	Methadone	B.H.
10	September 22, 2010, through December 13, 2011	Fentanyl	J.W.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

The Grand Jury further charges:

COUNT 11

(Unlawful Distribution and Dispensing of Controlled Substances- Schedule III)

During the date ranges listed below, in the Western District of Kentucky, Warren County, Kentucky, and elsewhere, the defendant, **CHARLES FRED GOTT**, knowingly and intentionally distributed and dispensed, and caused to be distributed and dispensed, not for a legitimate medical purpose in the usual course of professional practice, a Schedule III controlled substance, to the patient listed below:

COUNT	DATE	DRUG	PATIENT
11	October 5, 2010, through December 27, 2011	Hydrocodone	R.B.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(E)(i).

The Grand Jury further charges:

COUNT 12

(Health Care Fraud – Upcoding)

In or about and between 2006 and September 19, 2013, in the Western District of Kentucky, Warren County, Kentucky, and elsewhere, the defendant, **CHARLES FRED GOTT**, knowingly and willfully executed, and attempted to execute, a scheme and artifice to obtain, by means of false or fraudulent pretenses, representations, and promises, money and property owned by and under the custody or control of health care benefit programs, in connection with the delivery of, and payment for health care benefits, items, and services, to wit: **GOTT**, falsely and fraudulently billed various health care benefit programs, including Medicare and Medicaid,

as listed below, among others, by submitting claims for office visits at a higher code than the service actually provided, including but not limited to the patients listed below:

DATES OF SERVICE	BENEFICIARY	PROGRAM(S)	CPT CODE BILLED
05/14/09-02/07/13	S.H.	Medicare	99214
04/14/09-07/11/13	D.P.	Medicare	99214
03/17/09-10/26/10	B.C.	Medicare	99214
06/29/10-06/17/13	M.S.	Medicaid/MCO	99214
09/02/09-08/09/12	C.C.	Medicare/Medicaid/MCO	99214
08/05/09-01/23/12	H.P.	Medicaid/MCO	99214
01/26/09-02/04/13	B.M.	Medicare/Medicaid	99214
08/21/12-02/19/13	J.F.	Medicare	99214
12/04/09-02/18/13	S.D.	Medicare	99214
01/29/08-03/04/10	T.C.	Medicaid/MCO	99214

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

The Grand Jury further charges:

COUNT 13  
(Health Care Fraud – Spirometry)

In or about and between 2006 and September 19, 2013, in the Western District of Kentucky, Warren County, Kentucky, and elsewhere, the defendant, **CHARLES FRED GOTT**, knowingly and willfully executed, and attempted to execute, a scheme and artifice to obtain, by means of false or fraudulent pretenses, representations, and promises, money and property

owned by and under the custody and control of health care benefit programs, in connection with the delivery of, and payment for health care benefits, items, and services, to wit: **GOTT** directed staff members to provide medically unnecessary spirometry tests to patients, and to falsely and fraudulently bill various health care benefit programs, including Medicare, Medicaid, and Anthem as listed below, among others, by submitting claims for the medically unnecessary spirometry tests, including but not limited to the patients listed below:

DATES OF SERVICE	BENEFICIARY	PROGRAM(S)	CPT CODE BILLED
05/14/09-02/07/13	S.H.	Medicare	94010
08/18/09-03/06/12	B.C.	Medicare	94010
12/10/09-02/06/13	D.P.	Medicare	94010
11/26/12	C.H.	Anthem	94010
11/30/09-10/15/12	B.M.	Medicare/Medicaid	94010
11/12/09-02/18/13	S.D.	Medicare	94010
11/25/09-01/23/12	H.P.	Medicaid/MCO	94010
04/14/10-05/09/12	C.C.	Medicare/Medicaid	94010
08/08/12-02/05/13	J.F.	Medicare	94010
06/14/12-10/26/12	B.M.	Medicaid/MCO	94010
01/30/09-08/08/12	T.C.	Medicaid/MCO	94010

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

The Grand Jury further charges:

COUNT 14  
(Money Laundering)

On or about March 22, 2012, in the Western District of Kentucky, Warren County, Kentucky, and elsewhere, the defendant, **CHARLES FRED GOTT**, knowingly engaged and attempted to engage in a monetary transaction, in criminally derived property greater than \$10,000, when **GOTT** transferred, via check, \$14,000 to a Merrill Lynch investment account, which was derived from a specified unlawful activity, that is the unlawful drug distribution and health care fraud alleged in Counts 1 and 13.

In violation of Title 18, United States Code, Section 1957.

NOTICE OF FORFEITURE

1. The Grand Jury realleges counts 1-14 of this Indictment, as set forth above, and incorporates the counts by reference as if the same were fully set forth herein.

2. As a result of committing violations of Title 21, United States Code, Sections 846 and 841; Title 18, United States Code, Section 1347; and Title 18, United States Code, Section 1957, as alleged in this Indictment, the defendant, **CHARLES FRED GOTT**, shall forfeit to the United States any and all property constituting, or derived from proceeds **CHARLES FRED GOTT** obtained, directly or indirectly, as a result of the offenses alleged in this Indictment, and any property which facilitated or was involved in such offenses, including but not limited to:

- a. Money Judgment for the proceeds of these offenses;
- b. **CHARLES FRED GOTT's** license to practice medicine;

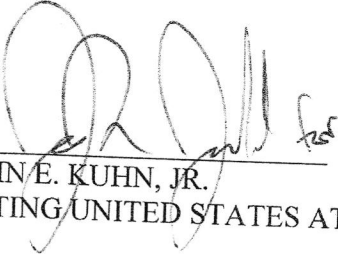
3. If any of the above-described forfeitable property, as a result of any act or omission of the defendant, **CHARLES FRED GOTT**,

- 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, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendant up to the value of the above-described forfeitable property.

Pursuant to Title 18, United States Code, Sections 982(a)(1) and(7), and Title 21, United States Code, Section 853.

A TRUE BILL.

  
\_\_\_\_\_  
JOHN E. KUHN, JR.  
ACTING UNITED STATES ATTORNEY

JEK: MAC