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JUN 27 2018 *3*

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

No. **18CR 400**

UNITED STATES OF AMERICA

v.

MICHAEL KHOMUTOV,
JULIA KHOMUTOV, and
YEVGENY TSURULNIKOV

) No. 18CR 400
)
) Violations: Title 18, United States
) Code, Section 371; Title 42, United
) States Code, Section
) 1320a-7b(b)(2)(A)
)

JUDGE CHANG

COUNT ONE

The SPECIAL JUNE 2018 GRAND JURY charges: **MAGISTRATE JUDGE COLE**

1. At times material to this Indictment:

a. Medicare was a Federal health care program, as defined in Title 42, United States Code, Section 1320a-7b, that provided health benefits which were funded directly, in whole or in part, by the United States Government.

b. The federal health care program Anti-Kickback Statute, Title 42, United States Code, Section 1320a-7b(b), prohibited the offer and payment as well as the solicitation and receipt of remunerations in return for the referral of patients 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, including Medicare. Under the Anti-Kickback Statute, home health care companies and their owners were prohibited from paying physicians and others in exchange for past or future referrals, or recertifications, of Medicare beneficiaries.

c. Forum Health Care, Inc. was a licensed provider of home health care services located in Skokie, Illinois, and later in Morton Grove, Illinois. Forum provided home health care services to clients who purportedly were confined to their homes and through its

officers and agents submitted claims to Medicare for reimbursement for home health care services purportedly provided to clients.

d. Medicare typically approved the provision of home health care to its beneficiaries who were confined to their homes in 60-day periods. The 60-day periods were referred to as cycles or episodes, and an initial cycle of home health care was known as a Start of Care cycle. A physician was required to approve a patient's plan of care and to certify that the patient was confined to his or her home. Subsequent cycles were referred to as "recertifications" because a beneficiary was required to be recertified by a physician to receive additional 60-day cycles of home health care.

e. Defendant MICHAEL KHOMUTOV was an owner of Forum.

f. Defendant JULIA KHOMUTOV was an owner of Forum and a nurse licensed in Illinois.

g. Defendant YEVGENY TSYRULNIKOV was a physician licensed in Illinois.

2. Beginning in or around 2011, and continuing through in or around December 2017, in the Northern District of Illinois, Eastern Division, and elsewhere,

MICHAEL KHOMUTOV,
JULIA KHOMUTOV, and
YEVGENY TSYRULNIKOV,

defendants herein, did conspire:

a. to knowingly and willfully offer and pay remunerations, including kickbacks and bribes, directly and indirectly, overtly and covertly, from defendants MICHAEL KHOMUTOV and JULIA KHOMUTOV to defendant TSYRULNIKOV, to induce the referral of

Medicare beneficiaries to Forum for the furnishing and arranging for the furnishing of services for which payment may be made in whole and in part under Medicare, in violation of Title 42, United States Code, Section 1320a-7b(b)(2)(A); and

b. to knowingly and willfully solicit and receive remunerations, including kickbacks and bribes, directly and indirectly, overtly and covertly, from defendants MICHAEL KHOMUTOV and JULIA KHOMUTOV to defendant TSYRULNIKOV, in return for the referral of and recertification of Medicare beneficiaries to Forum for the furnishing and arranging for the furnishing of services for which payment may be made in whole and in part under Medicare, in violation of Title 42, United States Code, Section 1320a-7b(b)(1)(A).

Manner and Means in Which The Conspiracy Was Conducted

3. It was part of the conspiracy that defendants MICHAEL KHOMUTOV and JULIA KHOMUTOV agreed to make and made kickback and bribe payments to defendant TSYRULNIKOV in return for his referral, certifications, and recertifications of Medicare beneficiaries to Forum for the provision of home health care services.

4. It was further part of the conspiracy that defendants MICHAEL KHOMUTOV and JULIA KHOMUTOV agreed to pay defendant TSYRULNIKOV approximately \$300 in exchange for the referral of each Medicare beneficiary and approximately \$200 for in exchange for the recertification of each Medicare beneficiary.

5. It was further part of the conspiracy that defendants MICHAEL KHOMUTOV and JULIA KHOMUTOV made these kickback and bribe payments to defendant TSYRULNIKOV in cash.

6. It was further part of the conspiracy that defendants MICHAEL KHOMUTOV and JULIA KHOMUTOV maintained patient logs of those Medicare beneficiaries referred and recertified by defendant TSYRULNIKOV in order to track the kickback and bribe amounts owed to TSYRULNIKOV.

7. It was further part of the conspiracy that from around 2011 through on or about June 21, 2016, defendant TSYRULNIKOV accepted at least approximately \$30,000 in cash kickbacks and bribes from defendants MICHAEL KHOMUTOV and JULIA KHOMUTOV in exchange for the referral of Medicare beneficiaries to Forum.

8. It was further part of the conspiracy that defendants MICHAEL KHOMUTOV and JULIA KHOMUTOV submitted and caused to be submitted to Medicare claims for reimbursement for providing services to Medicare beneficiaries referred to Forum by defendant TSYRULNIKOV, in exchange for kickbacks and bribes.

9. In furtherance of and to effect the objects of this conspiracy, defendants MICHAEL KHOMUTOV, JULIA KHOMUTOV, and TSYRULNIKOV did misrepresent, conceal and hide, and cause to be misrepresented, concealed and hidden, the purposes and acts done in furtherance of the conspiracy.

Overt Acts

10. In furtherance of and to affect the objects of this conspiracy, the defendants committed the following overt acts, among others, in the Northern District of Illinois.

a. In or around February 2016, defendants MICHAEL KHOMUTOV and JULIA KHOMUTOV knowingly and willfully offered and paid, directly and indirectly, overtly

and covertly, remuneration in cash, to defendant TSYRULNIKOV for his referral of Medicare beneficiaries to Forum.

b. In or around February 2016, defendant TSYRULNIKOV knowingly and willfully solicited and received remunerations, including kickbacks and bribes, directly and indirectly, overtly and covertly, from defendants MICHAEL KHOMUTOV and JULIA KHOMUTOV for his referral of Medicare beneficiaries to Forum.

c. On or about November 1, 2016, defendants MICHAEL KHOMUTOV and JULIA KHOMUTOV arranged a meeting in which MICHAEL KHOMUTOV provided approximately \$6,000 in cash to TSYRULNIKOV, representing payment for his referral of approximately 20 Medicare beneficiaries to Forum.

d. On or about April 11, 2017, defendants MICHAEL KHOMUTOV and JULIA KHOMUTOV arranged a meeting in which MICHAEL KHOMUTOV provided approximately \$4,500 in cash to TSYRULNIKOV, representing payment for his referral of approximately 15 Medicare beneficiaries to Forum.

e. On or about November 14, 2017, defendants MICHAEL KHOMUTOV and JULIA KHOMUTOV arranged a meeting in which MICHAEL KHOMUTOV provided cash to TSYRULNIKOV, representing payment for his referral and recertification of Medicare beneficiaries to Forum;

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

COUNT TWO

The SPECIAL JUNE 2018 GRAND JURY further charges:

On or about November 1, 2016, in the Northern District of Illinois, Eastern Division, and elsewhere,

MICHAEL KHOMUTOV and
JULIA KHOMUTOV,

defendants herein, knowingly and willfully caused Forum to offer and pay remuneration in the amount of approximately \$6,000 to YEVGENY TSYRULNIKOV to induce the referral of patients to Forum for the furnishing of services for which payment may be made in whole and in part under a Federal health care program, namely Medicare;

In violation of Title 42, United States Code, Section 1320a-7b(b)(2)(A), and Title 18, United States Code, Section 2.

COUNT THREE

The SPECIAL JUNE 2018 GRAND JURY further charges:

On or about April 11, 2017, in the Northern District of Illinois, Eastern Division, and elsewhere,

MICHAEL KHOMUTOV,

defendant herein, knowingly and willfully caused Forum to offer and pay remuneration in the amount of approximately \$4,500 to YEVGENY TSYRULNIKOV to induce the referral of patients to Forum for the furnishing of services for which payment may be made in whole and in part under a Federal health care program, namely Medicare;

In violation of Title 42, United States Code, Section 1320a-7b(b)(2)(A).

COUNT FOUR

The SPECIAL JUNE 2018 GRAND JURY further charges:

On or about November 14, 2017, in the Northern District of Illinois, Eastern Division, and elsewhere,

MICHAEL KHOMUTOV and
JULIA KHOMUTOV,

defendants herein, knowingly and willfully caused Forum to offer and pay remuneration in the amount of approximately \$6,900 to YEVGENY TSYRULNIKOV to induce the referral of patients to Forum for the furnishing of services for which payment may be made in whole and in part under a Federal health care program, namely Medicare;

In violation of Title 42, United States Code, Section 1320a-7b(b)(2)(A), and Title 18, United States Code, Section 2.

FORFEITURE ALLEGATION

The SPECIAL JUNE 2018 GRAND JURY further alleges:

1. The allegations contained in Counts One through Four of this Indictment are incorporated here for the purpose of alleging forfeiture pursuant to the provisions of Title 18, United States Code, Section 982(a)(7).

2. As a result of the violation of Title 42, United States Code, Section 1320a-7b(b)(2)(A), and Title 18, United States Code, Section 371, as set forth in this Indictment,

MICHAEL KHOMUTOV and
JULIA KHOMUTOV,

defendants herein, shall forfeit to the United States any property, real and personal, constituting, and derived from, gross proceeds traceable to the commission of the offense, obtained, directly or indirectly, as a result of such violation, pursuant to Title 18, United States Code, Section 982(a)(7).

3. The interests of defendants subject to forfeiture pursuant to Title 18, United States Code, Section 982(a)(7) include, but are not limited to:

- a. a personal money judgement in the amount of approximately \$2,036,234.
- b. the following specific property:
 - i. \$310,852.15, JP Morgan Chase, xxxxx6772
 - ii. \$80,400 seized at defendants' residence

4. If the property described above as being subject to forfeiture, as a result of any act or omission of the defendants:

- i. cannot be located upon the exercise of due diligence;
- ii. has been transferred or sold to, or deposited with, a third party;
- iii. has been placed beyond the jurisdiction of the Court;

- iv. has been substantially diminished in value; or
- v. has been commingled with other property that cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek to forfeit any other property of the defendants up to the value of the forfeitable property described above;

All pursuant to Title 18, United States Code, Section 982(a)(7).

A TRUE BILL:

FOREPERSON

UNITED STATES ATTORNEY