

**FILED**

JUL 06 2017

THOMAS G. BRUTON  
CLERK, U.S. DISTRICT COURTUNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

JEFFREY WITEK and  
STEPHEN HOESLEY)  
)  
)  
)  
)  
)  
)

No.

**17CR****454**Violation: Title 18, United States Code,  
Section 1347**JUDGE KENNEL**  
**MAGISTRATE JUDGE COX****COUNTS ONE THROUGH EIGHTEEN**

The SPECIAL FEBRUARY 2017 GRAND JURY charges:

## 1. At times material to this indictment:

a. JC Rejuvenation and Wellness, Ltd. ("JCRW"), located in Bartlett, Illinois, purported to provide health care services to patients, including chiropractic and physical therapy services. Defendant JEFFREY WITEK was a licensed chiropractor in the State of Illinois. WITEK was the President of JCRW.

b. Chicago Institute of Natural Health, d/b/a Natural Health and Chiropractic ("NHC"), located in Chicago, Illinois, purported to provide health care services to patients, including chiropractic and physical therapy services. Defendant STEPHEN HOESLEY was a licensed chiropractor in the State of Illinois. HOESLEY was the President of NHC.

c. Blue Cross Blue Shield of Illinois was an insurance company that offered and administered health care benefit programs within the meaning of Title 18, United States Code, Section 24(b). Blue Cross Blue Shield of Illinois provided coverage for patients that purportedly sought treatment at JCRW and NHC.

d. Defendants JEFFREY WITEK and STEPHEN HOESLEY, as well as JCRW and NHC, were required to submit certain claim information to Blue Cross Blue Shield of Illinois for reimbursement for covered services provided to patients. Required claim information included the patient's name; his/her insurance number; his/her date of birth; the health-care services provided; the location where the health-care services were provided; the name and National Provider Identifier of the doctor, chiropractor, or technician providing the health-care services; and the charge for each health-care service provided.

e. Blue Cross Blue Shield of Illinois paid for services that were covered by a patient's insurance policy and for which a representation had been made that the services were actually provided to the patient. Blue Cross Blue Shield of Illinois offered deductible programs, whereby a patient paid for health care services up to a certain dollar amount, after which the patient's health insurance paid for covered services.

f. After a patient's deductible was satisfied, Blue Cross Blue Shield of Illinois paid approved claims for covered services by electronic direct deposit.

2. Beginning no later than in or around June 2014, and continuing through in or around March 2017, at Bartlett and Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

**JEFFREY WITEK and  
STEPHEN HOESLEY,**

defendants herein, and others, participated in a scheme to defraud a health care benefit program, namely Blue Cross Blue Shield of Illinois, and to obtain, by means of materially false and fraudulent pretenses, representations, and promises, money and property owned by, and under the custody and control of, a health care benefit program, in connection with the delivery of and payment for health care benefits and services, which scheme is further described in the following paragraphs.

3. It was part of the scheme that defendants **JEFFREY WITEK** and **STEPHEN HOESLEY**, and others, fraudulently submitted, and caused to be submitted, at least approximately \$1,100,000 in fraudulent claims to Blue Cross Blue Shield of Illinois that falsely represented that certain health care services were provided to patients, knowing that those services were not actually provided to patients.

4. It was further part of the scheme that defendant **JEFFREY WITEK** created, and caused the creation of, false medical records at JCRW to substantiate the fraudulent claims submitted by JCRW to Blue Cross Blue Shield of Illinois.

5. It was further part of the scheme that defendant **JEFFREY WITEK**, and others, fraudulently obtained, and caused JCRW to obtain, in excess of at least

approximately \$344,000 in payments from Blue Cross Blue Shield of Illinois, which WITEK converted to his own use.

6. It was further part of the scheme that defendant STEPHEN HOESLEY fraudulently obtained, and caused NHC to obtain, in excess of at least approximately \$75,820 in payments from Blue Cross Blue Shield of Illinois, which HOESLEY converted to his own use.

7. It was further part of the scheme that defendants JEFFREY WITEK and STEPHEN HOESLEY misrepresented, concealed, and hid, and caused to be misrepresented concealed, and hidden, the existence and purpose of the scheme and the acts done in furtherance of the scheme.

8. On or about the dates set forth below, at Bartlett and Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

JEFFREY WITEK and  
STEPHEN HOESLEY,

defendants herein, did knowingly and willfully execute and attempt to execute the above-described scheme by submitting and causing to be submitted claims to a health care benefit program, namely, Blue Cross Blue Shield of Illinois, for health-care services that were not actually provided:



<b>Count</b>	<b>Defendant</b>	<b>Claim Date of Service</b>	<b>Claim Date Received</b>	<b>Claimant</b>	<b>Patient</b>
<b>1</b>	WITEK	January 2, 2016	January 6, 2016	JCRW	J.D.
<b>2</b>	WITEK	January 4, 2016	January 6, 2016	JCRW	J.D.
<b>3</b>	WITEK	March 5, 2016	March 10, 2016	JCRW	K.K.
<b>4</b>	WITEK	May 28, 2016	June 2, 2016	JCRW	K.K.
<b>5</b>	WITEK	May 28, 2016	June 2, 2016	JCRW	C.W.
<b>6</b>	WITEK	June 25, 2016	September 2, 2016	JCRW	C.W.
<b>7</b>	WITEK	October 1, 2015	December 31, 2015	JCRW	K.D.
<b>8</b>	WITEK	February 18, 2017	March 6, 2017	JCRW	K.D.
<b>9</b>	WITEK	October 1, 2015	December 31, 2015	JCRW	F.D.
<b>10</b>	WITEK	February 4, 2017	March 6, 2017	JCRW	F.D.
<b>11</b>	WITEK	June 27, 2016	October 6, 2016	JCRW	J.B.
<b>12</b>	WITEK	June 29, 2016	October 6, 2016	JCRW	J.B.
<b>13</b>	WITEK	April 1, 2016	April 8, 2016	JCRW	S.P.
<b>14</b>	WITEK	April 6, 2016	May 2, 2016	JCRW	S.P.
<b>15</b>	WITEK & HOESLEY	August 20, 2016	January 3, 2017	JCRW	HOESLEY
<b>16</b>	WITEK & HOESLEY	August 27, 2016	January 3, 2017	JCRW	HOESLEY
<b>17</b>	WITEK & HOESLEY	August 24, 2016	September 5, 2016	NHC	WITEK
<b>18</b>	WITEK & HOESLEY	August 26, 2016	September 5, 2016	NHC	WITEK

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

**FORFEITURE ALLEGATION ONE**

The SPECIAL FEBRUARY 2017 GRAND JURY further alleges:

1. Upon conviction of an offense in violation of Title 18, United States Code, Section 1347, as set forth in this Indictment, defendant JEFFREY WITEK shall forfeit to the United States of America any property that constitutes and is derived, directly and indirectly, from the gross proceeds traceable to the commission of the offense, as provided in Title 18, United States Code, Section 982(a)(7).

2. The property to be forfeited includes, but is not limited to:

a. A personal money judgment in the amount of approximately \$284,213; and

b. Approximately \$59,787 in funds that, on or about March 9, 2017, law enforcement seized from or restrained in Healthcare Associates Credit Union account number xxxxxx313.

3. If any of the property described above, as a result of any act or omission by defendant JEFFREY WITEK cannot be located upon the exercise of due diligence; has been transferred or sold to, or deposited with, a third party; has been placed beyond the jurisdiction of the Court; has been substantially diminished in value; or has been commingled with other property which cannot be divided without difficulty, the United States of America shall be entitled to forfeiture of substitute property, as provided in Title 21, United States Code, Section 853(p).

**FORFEITURE ALLEGATION TWO**

The SPECIAL FEBRUARY 2017 GRAND JURY further alleges:

1. Upon conviction of an offense in violation of Title 18, United States Code, Section 1347, as set forth in this Indictment, defendant STEPHEN HOESLEY shall forfeit to the United States of America any property that constitutes and is derived, directly and indirectly, from the gross proceeds traceable to the commission of the offense, as provided in Title 18, United States Code, Section 982(a)(7).

2. The property to be forfeited includes, but is not limited to a personal money judgment in the amount of approximately \$75,820.

3. If any of the property described above, as a result of any act or omission by defendant STEPHEN HOESLEY cannot be located upon the exercise of due diligence; has been transferred or sold to, or deposited with, a third party; has been placed beyond the jurisdiction of the Court; has been substantially diminished in value; or has been commingled with other property which cannot be divided without difficulty, the United States of America shall be entitled to forfeiture of substitute property, as provided in Title 21, United States Code, Section 853(p).

A TRUE BILL:

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FOREPERSON

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ACTING UNITED STATES ATTORNEY