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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

FILED

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

June 2017 Grand Jury

UNITED STATES OF AMERICA,

Plaintiff,

v.

BENJAMIN ROSENBERG,

Defendant.

No. CR 18

18CR00117-JAK

I N D I C T M E N T

[18 U.S.C. § 1347: Health Care Fraud; 18 U.S.C. § 2: Aiding and Abetting and Causing an Act to be Done; 18 U.S.C.

§ 1028A(a)(1): Aggravated Identity Theft; 18 U.S.C. §§ 982(a)(7), 28 U.S.C. § 2461(c): Criminal Forfeiture]

The Grand Jury charges:

COUNTS ONE THROUGH SIX

[18 U.S.C. §§ 1347, 2]

A. INTRODUCTORY ALLEGATIONS

At all times relevant to this Indictment:

1. Defendant BENJAMIN ROSENBERG ("ROSENBERG") was a resident of Los Angeles, within the Central District of California. Defendant ROSENBERG was a dentist licensed by the Dental Board of California until in or about September 2017. Defendant ROSENBERG owned a dental clinic, Benjamin Rosenberg

1 D.D.S., located at 8450 South Sepulveda Blvd., Suite 1000, Los
2 Angeles, California 90045, within the Central District of
3 California.

4 Health Insurance Plans

5 2. Denti-Cal was a health care benefits program funded by
6 the federal and State of California governments, affecting
7 commerce. Denti-Cal was administered by the State of California
8 via the Medi-Cal program, which provided dental care benefits to
9 California residents including eligible low-income individuals
10 and people with disabilities.

11 3. Metropolitan Life Insurance Company operated Metlife
12 Safeguard Dental ("Metlife"), a health care benefits program
13 that operated private dental care plans, affecting commerce,
14 under which medical benefits, items, and services were provided
15 to individuals in California, and elsewhere, in exchange for
16 payment.

17 4. Denti-Cal, Metlife, and other health care benefits
18 programs within the meaning of Title 18, United States Code,
19 Section 24(b), reimbursed dental services providers for
20 rendering covered dental care to their beneficiaries.

21 The Claims Process

22 5. When a patient covered by a health care benefit
23 program received dental care from a provider, he or she provided
24 the dentist with his or her insurance group number and
25 individual identifier.

26 6. After rendering services covered by the dental health
27 care benefit program, the dentist billed the health care benefit
28 program using the patient's name, insurance group number, and

1 individual identifier. In addition, the claim included the date
2 of service, services rendered, and the amount billed. A dental
3 provider would submit claims to Metlife or Denti-Cal
4 electronically or in paper format through the United States
5 Postal Service.

6 7. The claim form for Metlife required the provider to
7 certify that the procedures billed were either in progress or
8 had been completed and the identified amounts billed were the
9 actual fees the dentist charged and intended to collect for
10 those procedures, among other things.

11 8. The claim form for Denti-Cal required the provider to
12 certify that the information in the form was true, accurate, and
13 complete and the requested services were necessary to the health
14 of the patient, among other things.

15 B. THE SCHEME TO DEFRAUD

16 9. Beginning on an unknown date at least as early as in
17 or about 2010 and continuing until in or about September 2017,
18 in Los Angeles County, within the Central District of
19 California, and elsewhere, defendant ROSENBERG, together with
20 others known and unknown to the Grand Jury, knowingly,
21 willfully, and with the intent to defraud, executed, and
22 attempted to execute, a scheme and artifice: (a) to defraud
23 health care benefit programs, including Denti-Cal and Metlife,
24 as to material matters in connection with the delivery of and
25 payment for health care benefits, items, and services; and (b)
26 to obtain money from such health care benefit programs by means
27 of material false and fraudulent pretenses, representations, and
28 promises, and the concealment of material facts in connection

1 with the delivery of and payment for health care benefits,
2 items, and services.

3 C. MANNER AND MEANS USED TO ACCOMPLISH THE SCHEME TO DEFRAUD

4 10. The fraudulent scheme operated, in substance, as
5 follows:

6 a. Defendant ROSENBERG, together with others known
7 and unknown to the Grand Jury, used and caused to be used
8 patients' names and insurance carrier information, including
9 group and individual identifiers, obtained when patients were
10 treated in his office, to submit and cause to be submitted false
11 and fraudulent claims to insurance carriers for dental care that
12 defendant ROSENBERG knew had not been rendered.

13 b. As a result of the submission of false and
14 fraudulent claims, the insurance carriers made payments to
15 defendant ROSENBERG's dental practice.

16 c. Defendant ROSENBERG, together with others known
17 and unknown to the Grand Jury, then transferred and disbursed
18 and caused to be transferred and disbursed to himself and others
19 the monies defendant ROSENBERG's dental practice had received
20 from the insurance carriers as a result of the false and
21 fraudulent claims.

22 D. EXECUTIONS OF THE FRAUDULENT SCHEME

23 11. On or about the dates set forth below, within the
24 Central District of California and elsewhere, defendant
25 ROSENBERG, together with others known and unknown to the Grand
26 Jury, knowingly and willfully executed and attempted to execute
27 the fraudulent scheme described above by submitting and causing
28 to be submitted to insurance providers for payment the following

false and fraudulent claims for dental services defendant
ROSENBERG purportedly rendered:

COUNT	PAT- IENT	CLAIM #	SERVICE BILLED	BENEFITS PROGRAM BILLED	DATE BILLED	APPROX AMOUNT BILLED
ONE	L.F.	2013150 0000875	Crowns (21)	Metlife	5/29/13	\$6,565
TWO	E.K.	2014008 0000745	Crowns (32)	Metlife	1/7/14	\$6,400
THREE	A.D.	2014035 0000843	Crowns (8)	Metlife	2/3/14	\$3,700
FOUR	J.G.	2014077 001164	Crowns (12)	Metlife	3/17/14	\$2,800
FIVE	S.C.	2014296 104068	Fillings (29)	Denti-Cal	11/13/14	\$1,260
SIX	A.R.	2015035 101588	Fillings (12)	Denti-Cal	2/19/15	\$445

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COUNTS SEVEN AND EIGHT

[18 U.S.C. §§ 1028A(a)(1), 2]

12. The Grand Jury incorporates by reference and re-alleges paragraphs 1 through 8 and 10 through 11 above of this Indictment as though set forth in their entirety here.

13. On or about the dates set forth below, in Los Angeles County, within the Central District of California, and elsewhere, defendant ROSENBERG knowingly transferred, possessed, and used, and willfully caused to be transferred, possessed, and used, without lawful authority, means of identification that defendant ROSENBERG knew belonged to another person, namely, the name and policyholder or subscriber identification number of the patients identified below, during and in relation to health care fraud, a felony violation of Title 18, United States Code, Section 1347, as charged in the following related counts of this Indictment:

COUNT	PATIENT	POLICYHOLDER/ SUBSCRIBER ID NUMBER	DATE	RELATED COUNT OF INDICTMENT
SEVEN	A.D.	XXXXXX0748	2/3/14	COUNT THREE
EIGHT	J.G.	XXXXXX0057	3/17/14	COUNT FOUR

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FORFEITURE ALLEGATION

[18 U.S.C. § 982(a)(7) and 28 U.S.C. § 2461(c)]

14. Pursuant to Rule 32.2(a) Fed. R. Crim. P., notice is hereby given that the United States will seek forfeiture as part of any sentence in accordance with Title 18, United States Code, Section 982(a)(7) and Title 28, United States Code, Section 2461(c), in the event of defendant's conviction under any of Counts One through Eight of this Indictment. The defendant shall forfeit the following:

a. All right, title, and interest in any and all property, real or personal, that constitutes or is derived, directly or indirectly, from the gross proceeds traceable to the commission of any offense set forth in any of Counts One through Eight of this Indictment of which defendant is convicted; and

b. To the extent such property is not available for forfeiture, a sum of money equal to the total value of the property described in subparagraph a.

15. Pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 982(b), the defendant shall forfeit substitute property, up to the total value of the property described in the preceding paragraph if, as a result of any act or omission of the defendant, the property described in the preceding paragraph, or any portion thereof (a) cannot be located upon the exercise of due diligence; (b) has been transferred, sold to or deposited with a third party; (c) has been placed beyond the jurisdiction of the

1 Court; (d) has been substantially diminished in value; or (e)
2 has been commingled with other property that cannot be divided
3 without difficulty.

4 A TRUE BILL

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6 Foreperson

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8 NICOLA T. HANNA
9 United States Attorney

10 

11
12 LAWRENCE S. MIDDLETON
13 Assistant United States Attorney
Chief, Criminal Division

14 RANEE A. KATZENSTEIN
15 Assistant United States Attorney
Chief, Major Frauds Section

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18 JOSEPH BEEMSTERBOER
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22 EMILY Z. CULBERTSON
23 Trial Attorney, Fraud Section
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