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Doctor, Four Chiropractors And 10 Others Arrested In Brooklyn And Long Island As Part Of Nationwide Medicare Strike Force Initiative

FOR IMMEDIATE RELEASE

October 4, 2012

Alleged Fraudulent Billings in Brooklyn and Long Island Exceed \$23 Million

Fifteen individuals, including a doctor and four licensed chiropractors, have been charged for their alleged participation in three separate schemes that falsely billed the Medicare and Medicaid programs for more than \$23 million¹. The charges filed in Brooklyn and Central Islip, New York, are part of a nationwide takedown by the Medicare Fraud Strike Force operations that led to charges against 92 individuals for their alleged participation in schemes to collectively submit approximately \$432 million in fraudulent claims.

The Brooklyn and Long Island cases were announced by United States Attorney Loretta E. Lynch of the Eastern District of New York, Mary E. Galligan, Acting Assistant Director-in-Charge, Federal Bureau of Investigation (FBI), New York Field Office, and Thomas O'Donnell, Special Agent-in-Charge of HHS-OIG, Office of Investigations, New York. The results of the nationwide takedown were announced today by Attorney General Eric H. Holder, Health and Human Services Secretary Kathleen Sebelius (HHS), Assistant Attorney General Lanny A. Breuer of the Criminal Division, FBI Associate Deputy Director Kevin Perkins, Inspector General Daniel R. Levinson of the HHS Office of Inspector General (HHS-OIG), and Centers for Medicare and Medicaid Services Deputy Administrator for Program Integrity Dr. Peter Budetti.

The three schemes charged in the Eastern District of New York, detailed in two indictments, two criminal complaints, and other documents filed by the government, are as follows:

***Cropsey:** Nine individuals, including the manager and the medical director of Cropsey Medical Care PLLC, a health care clinic located in Brooklyn, New York, were indicted in connection with an alleged health care fraud and money laundering scheme. Olga Novogorodsky, Okan Umana, M.D., Igor Ishchuk, Igor Kuleshov, Yefim Morchik, Pavel Zborovskiy, and Gregory Konoplya were charged with conspiring to defraud the Medicare and Medicaid programs of more than \$13 million by submitting fraudulent claims for physical therapy and other medical services that were not provided or were medically unnecessary, and for paying and receiving health care kickbacks. Dr. Umana, Novogorodsky, Kuleshov, Zborovskiy, Leonid Zalkind, and Niazaly Kaipov were also charged with money laundering. As alleged in the indictment, the defendants paid Medicare and Medicaid beneficiaries cash kickbacks to induce them to come to Cropsey and receive unnecessary medical services or to stay silent when services not provided were billed to Medicare and Medicaid. Search warrants were executed at the Cropsey clinic, the office of the defendant Kaipov, and at a private residence in the Los Angeles area at the time of the arrests. The Cropsey case is being prosecuted by Assistant U.S. Attorney Shannon Jones and Trial Attorney Sarah Hall of the Criminal Division's Fraud Section. The defendants are scheduled to be arraigned this afternoon before United States Magistrate Judge Robert M. Levy, at the United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York. The case has been assigned to United States District Judge Nina Gershon.*

***Cwibeker:** Four licensed chiropractors, Melvin Cwibeker, Richard Hurwitz, Shimon Metz, and Mark Samuel, were indicted for committing Medicare fraud and aggravated identity theft. Cwibeker, the owner of Mel Cwibeker, D.C., a chiropractic practice based in Woodmere, New York, has also been charged with money laundering, engaging in unlawful monetary transactions, and obstructing a federal audit. As alleged in the indictment, the defendants met patients residing in assisted living facilities, many of whom were elderly and had physical and mental disabilities, to provide chiropractic services. Although the defendants failed to provide these patients with legitimate chiropractic services,*

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they nonetheless submitted \$6.4 million in fraudulent billings, over a six-year period, to the Medicare program. In 2010, when the Center for Medicare Services ("CMS") informed Cwibeker that it was auditing his chiropractic practice, Cwibeker allegedly obstructed the CMS audit by creating and submitting fictitious medical records. A search warrant was executed at Cwibeker's chiropractic practice. This case is being prosecuted by Assistant U.S. Attorney Thomas Sullivan. The defendants are scheduled to be arraigned later today before United States Magistrate Judge E. Thomas Boyle, at the United States Courthouse, 100 Federal Plaza, Central Islip, New York. The case has been assigned to United States District Judge Joanna Seybert.

***Mega-Line:** Yevgeniy Pikus, the office manager of a medical clinic in Rego Park, New York, and Rafik Gavrielov, the owner of Mega-Line, an ambulette service in Queens, New York, were charged with conspiring to pay cash kickbacks to Medicare and Medicaid beneficiaries. As alleged in the criminal complaint, Pikus's clinic purported to provide physical therapy and diagnostic tests to Medicare and Medicaid beneficiaries and used at least two ambulette services to transport the beneficiaries to and from their residences for medical appointments. To induce beneficiaries to use their medical and ambulette services, the defendants paid the beneficiaries cash kickbacks, in violation of the federal anti-kickback statute. As a result of this scheme, Medicare reimbursed the defendants approximately \$3 million for the purported services provided to the beneficiaries who received the kickbacks. This case is being prosecuted by Assistant U.S. Attorney William Campos. The defendants are scheduled to be arraigned this afternoon before United States Magistrate Judge Robert M. Levy, at the United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York.*

"All of the defendants charged here today allegedly took advantage of programs designed to provide assistance to the most needy, subverting them to their own ends. Doctors, chiropractors, and other medical professionals who defraud Medicare and Medicaid are on notice that they will be investigated and prosecuted. Moreover, futile efforts of concealment – by obstructing justice and paying hush money – will only serve to increase the potential penalties for those crimes," stated United States Attorney Lynch. "We will spare no effort to bring to justice those who would personally profit at the expense of some of our most needy at a cost ultimately borne by all taxpayers." Ms. Lynch extended her grateful appreciation to the New York State Office of the Medicaid Inspector General, New York Attorney General's Office, New York State Medicaid Fraud Control Unit, New York State Department of Financial Services, New York City Police Department, and New York City Human Resources Administration for their assistance in the investigations in this district.

FBI Acting Assistant Director-in-Charge Galligan stated, "The common thread among the three schemes is the blatant exploitation of the Medicare and/or Medicaid programs for the personal enrichment of the defendants. Millions in fraudulent claims were billed for unnecessary or undelivered services, and those bills are indirectly borne by all of us taxpayers. These programs are designed to assist the elderly or indigent, not greedy thieves."

HHS/OIG Special Agent-in-Charge O'Donnell stated, "Providing unnecessary and illegitimate services, and in many instances paying kickbacks for said services, continues to plague the Medicare and Medicaid programs. Eliminating these fraudulent practices from the aforementioned programs remains a top priority of the OIG."

The Cropsey Defendants:

OLGA NOVOGORODSKY

Age: 54

Residence: Brooklyn, New York

DR. OKON UMANA

Age: 66

Residence: West Haven, Connecticut

IGOR ISHCHUK

Age: 50

Residence: Cliffside Park, New Jersey

IGOR KULESHOV

Age: 56

Residence: Brooklyn, New York

LEONID ZALKIND, also known as "Lenny" and "Lenya"

Age: 35

Residence: Philadelphia, PA

NIAZALY KAISOV, also known as "Niaz"

Age: 47

Residence: Brooklyn, New York

YEFIM MORCHIK, also known as "Fima"

Age: 53

Residence: Brooklyn, New York



PAVEL ZBOROVSKIY, also known as Pasha” and “Paul”
 Age: 56
 Residence: Brooklyn, New York

GREGORY KONOPLYA, also known as “Grisha”
 Age: 56
 Residence: Brooklyn, New York

The Cwibeker Defendants:

MELVIN CWIBEKER
 Age: 52
 Residence: Woodmere, NY

RICHARD HURWITZ
 Age: 42
 Residence: Long Beach, NY

SHIMON METZ
 Age: 42
 Residence: West Hempstead, NY

MARK SAMUEL
 Age: 52
 Residence: Mamaroneck, NY

The Mega-Line Defendants:

YEVGENIY PIKUS
 Age: 64
 Residence: Queens, New York

RAFIK GAVRIELOV
 Age: 40
 Residence: Queens, New York

¹The charges are merely allegations, and the defendants are presumed innocent unless and until proven guilty.



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