

2011R01491/SBM/JGM

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Criminal No. 12-475 (CCC)
: :
: :
v. : :
: 18 U.S.C. § 371
: 42 U.S.C. § 1320a-7b(b) (1)
MARYAM JAFARI : 18 U.S.C. § 2

S U P E R S E D I N G
I N D I C T M E N T

The Grand Jury in and for the District of New Jersey,
sitting at Newark, charges:

COUNT ONE
(Conspiracy)

1. At various times relevant to this Superseding
Indictment:

The Defendant and Orange Community MRI, LLC

a. The defendant, MARYAM JAFARI ("defendant
JAFARI"), was a physician licensed in New Jersey practicing
internal medicine. Defendant JAFARI operated an office in
Newark, New Jersey.

b. Orange Community MRI, LLC ("OCM"), was located
in Orange, New Jersey and provided diagnostic testing services to
patients, including magnetic resonance imaging ("MRIs") and
computed axial tomographies ("CT Scans") (collectively, the
"Diagnostic Tests").

c. C.P., a co-conspirator who is not charged as a defendant herein, was OCM's executive director from in or about 2008 until in or about December, 2011. C.P. was responsible for managing the technical and administrative aspects of OCM.

d. E.J., a co-conspirator who is not charged as a defendant herein, was a sales representative with OCM who marketed OCM's services to physicians from in or about 2008 until in or about August, 2011. Acting at the direction of C.P., E.J. delivered cash payments to physicians and other health care providers in return for referrals to OCM.

e. K.B. was an information technology ("IT") consultant under contract with OCM from in or about 2008 until in or about December, 2011. From in or about September, 2011, through in or about, December, 2011, K.B. held himself out as an individual acting on behalf of OCM, when in fact he was acting at the direction and under the supervision of law enforcement agents with the U.S. Department of Health and Human Services, Office of the Inspector General.

2. At all times relevant to this Superseding Indictment:

Medicare and Medicaid

a. The Medicare Program ("Medicare") was a federal program that provided free or below-cost health care benefits to certain individuals, primarily the elderly, blind, and disabled. Medicare was a "Federal health care program" as defined in Title 42, United States Code, Section 1320a-7b(f). Individuals who received benefits under Medicare were commonly referred to as "beneficiaries."

b. The Medicare Part B program was a federally funded supplemental insurance program that provided Medicare insurance benefits for individuals aged sixty-five or older, and for certain individuals who were disabled. The Medicare Part B program paid for various medical services for beneficiaries, including the Diagnostic Tests.

c. The Medicaid Program ("Medicaid") was a jointly funded, federal-state health insurance program that provided certain health benefits to the disabled, as well as to individuals and families with low incomes and resources. The federal government provided matching funds to Medicaid and ensured that states complied with minimum standards in the administration of the program.

d. Medicaid was a "Federal health care program" as defined in Title 42, United States Code, Section 1320a-7b(f).

Individuals who received benefits under Medicaid were commonly referred to as "recipients."

e. In New Jersey, Medicaid was administered by the New Jersey Department of Human Services. Under New Jersey law, Medicaid paid for certain medical services for recipients, including the Diagnostic Tests.

3. At all times relevant to this Superseding Indictment, OCM was a Medicare- and Medicaid-approved provider of, among other things, the Diagnostic Tests.

The Conspiracy

4. From in or about September, 2010, until in or about December, 2011, in Newark, in the District of New Jersey, and elsewhere, the defendant,

MARYAM JAFARI,

did knowingly and intentionally conspire and agree with OCM, C.P., E.J., and others to commit an offense against the United States, that is, to solicit and receive remuneration, directly and indirectly, overtly and covertly, in cash and in kind, namely, kickbacks, from OCM in return for referring patients to OCM for the furnishing and arranging for the furnishing of items and services for which payment may be made in whole or in part under a Federal health care program, namely, Medicare and Medicaid, contrary to Title 42, United States Code, Section 1320a-7b(b) (1) (A).

Object of the Conspiracy

5. The object of the conspiracy was for defendant JAFARI to receive cash payments from C.P., E.J., and others in exchange for referring Medicare and Medicaid patients to OCM for the Diagnostic Tests.

Manner and Means of the Conspiracy

6. It was a part of the conspiracy that defendant JAFARI and C.P. agreed on the value of kickbacks that would be paid for each Diagnostic Test referred.

7. It was a further part of the conspiracy that C.P., E.J., and others paid defendant JAFARI cash periodically for the Diagnostic Tests referred by her practice.

Overt Acts

8. In furtherance of the conspiracy and to effect its unlawful objects, defendant JAFARI committed and caused to be committed the following overt acts in the District of New Jersey and elsewhere:

a. In or about September, 2010, at defendant JAFARI's office in Newark, defendant JAFARI and C.P. agreed to a kickback arrangement whereby OCM would pay defendant JAFARI approximately \$50 for every MRI referral involving a Medicare or Medicaid patient, and approximately \$75 for every MRI referral involving a patient with private health insurance.

b. In or about 2010, at defendant JAFARI's office in Newark, defendant JAFARI met with C.P. and received cash from

OCM in exchange primarily for previous referrals of Medicare and Medicaid patients for the Diagnostic Tests.

c. In or about 2011, at defendant JAFARI's office in Newark, defendant JAFARI met with E.J. and received cash from OCM in exchange primarily for previous referrals of Medicare and Medicaid patients for the Diagnostic Tests.

d. On or about November 22, 2011, at defendant JAFARI's office in Newark, defendant JAFARI met with K.B. and received an envelope containing approximately \$1,965 cash from OCM in exchange primarily for previous referrals of Medicare and Medicaid patients for the Diagnostic Tests.

e. On or about December 6, 2011, at defendant JAFARI's office in Newark, defendant JAFARI met with K.B. and received approximately \$420 cash from OCM in exchange primarily for previous referrals of Medicare and Medicaid patients for the Diagnostic Tests.

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

COUNT TWO
(Illegal Remunerations)

On or about November 22, 2011, in Newark, in the District of New Jersey, and elsewhere, the defendant,

MARYAM JAFARI,

did knowingly and willfully solicit and receive remuneration, directly and indirectly, overtly and covertly, in cash and in kind, that is, a kickback consisting of an envelope containing approximately \$1,965 cash, from OCM in return for referring patients to OCM for the furnishing and arranging for the furnishing of items and services for which payment may be made in whole or in part under a Federal health care program, namely, Medicare and Medicaid.

In violation of Title 42, United States Code, Section 1320a-7b(b)(1)(A), and Title 18, United States Code, Section 2.

COUNT THREE
(Illegal Remunerations)

On or about December 6, 2011, in Newark, in the District of New Jersey, and elsewhere, the defendant,

MARYAM JAFARI,

did knowingly and willfully solicit and receive remuneration, directly and indirectly, overtly and covertly, in cash and in kind, that is, a kickback consisting of approximately \$420 cash, from OCM in return for referring patients to OCM for the furnishing and arranging for the furnishing of items and services for which payment may be made in whole or in part under a Federal health care program, namely, Medicare and Medicaid.

In violation of Title 42, United States Code, Section 1320a-7b(b)(1)(A), and Title 18, United States Code, Section 2.

FORFEITURE ALLEGATION

1. The allegations contained in this Superseding Indictment are hereby realleged and incorporated by reference for the purpose of noticing forfeiture pursuant to Title 18, United States Code, Section 982(a)(7).

2. Upon conviction of the offenses in violation of Title 18, United States Code, Section 371, and Title 42, United States Code, Section 1320a-7b(b), the defendant, MARYAM JAFARI, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(7), all right, title, and interest in any property, real or personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the offenses of conviction.

3. If any of the property described above, as a result of any act or omission of the defendant:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third party;

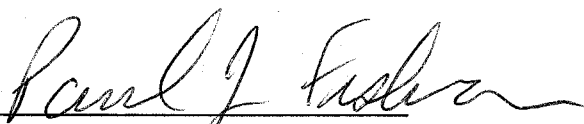
c. has been placed beyond the jurisdiction of the court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be divided without difficulty, the United States shall be entitled, pursuant to Title 21, United States Code, Section

853(p), as incorporated by Title 18, United States Code, Section 982(a)(7), to forfeiture of any other property of the defendant, MARYAM JAFARI, up to the value of the property described in the preceding paragraph.

A TRUE BILL


PAUL J. FISHMAN
United States Attorney

CASE NUMBER: *12-CR-475 (CCC)*

**United States District Court
District of New Jersey**

UNITED STATES OF AMERICA

v.

MARYAM JAFARI

SUPERSEDING INDICTMENT FOR

18 U.S.C. § 371

42 U.S.C. § 1320a-7b(b) (1)

18 U.S.C. § 2

PAUL J. FISHMAN

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