

UNITED STATES DISTRICT COURT

DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Criminal No. 13-  
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:   
v. :   
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: 42 U.S.C. § 1320a-7b(b) (1) (A)  
NORMAN EASTBURN : 18 U.S.C. § 2

I N F O R M A T I O N

The defendant having waived in open court prosecution by indictment, the United States Attorney for the District of New Jersey charges:

1. At all times relevant to this Information:

a. Defendant NORMAN EASTBURN was a licensed chiropractor in the State of New Jersey.

b. RM was a medical doctor licensed in the State of New Jersey, who was then affiliated with one or more pain management centers. Various of RM's patients received injections and underwent procedures to alleviate pain.

c. 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."

d. 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 injections and procedures to alleviate pain ("Pain Treatments").

e. RM was a Medicare approved provider.

2. To facilitate the kickback scheme charged herein, defendant NORMAN EASTBURN generally described a previous bribery situation to RM on more than one occasion concerning one of defendant NORMAN EASTBURN's patients (referred to herein as "Jane Doe"). That previous situation involved defendant NORMAN EASTBURN's use of a medical doctor (the "MD") to assist with a pain procedure on Jane Doe (the "Pain Procedure") at an ambulatory surgical center in Northern New Jersey. Previously, defendant NORMAN EASTBURN had been told, and believed, that a medical doctor's involvement in pain procedures would increase the likelihood of defendant NORMAN EASTBURN being reimbursed by insurers for that procedure. Accordingly, defendant NORMAN EASTBURN told Jane Doe, who was then physically in the procedure room awaiting medical treatment, that she needed an additional injection. Jane Doe was then given that additional injection by MD, although Jane Doe did not, in defendant

NORMAN EASTBURN's medical judgment, require that injection. Thereafter, the defendant NORMAN EASTBURN paid MD a \$500 cash bribe for administering this injection to Jane Doe.

3. At a point in time after this information was generally shared with RM, RM began paying defendant NORMAN EASTBURN kickbacks for patient referrals.

#### The Kickback Scheme

4. From in or about August, 2011 until in or about December, 2012, in the District of New Jersey and elsewhere, the defendant,

NORMAN EASTBURN, did knowingly and willfully solicit and receive remuneration, directly and indirectly, overtly and covertly, in cash and in kind, that is, kickbacks, from RM in return for referring patients to RM 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.

5. The object of the kickback scheme was for defendant NORMAN EASTBRUN to receive cash payments from RM in exchange for referring patients to RM for Pain Treatments.

6. To execute the kickback scheme, defendant NORMAN EASTBURN and RM negotiated the kickback amount that would be paid for each patient referred using two criteria: which payor would be billed (e.g., Medicare or a private healthcare insurer); and what

Pain Treatment would be rendered. Defendant NORMAN EASTBURN then referred patients for Pain Treatments, and RM periodically paid defendant NORMAN EASTBURN cash for those patient referrals as per the agreed upon kickback payment schedule.

7. It was a part of the kickback scheme that, on or about December 6, 2012, defendant NORMAN EASTBURN met with RM and received approximately \$1,150 in cash in exchange for previous referrals of Medicare patients to RM for Pain Treatments.

All 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 Information 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 offense in violation of Title 42, United States Code, Section 1320a-7b(b)(1)(A), the defendant, NORMAN EASTBURN, 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 offense of conviction, including but not limited to a sum of money equal to at least \$6,725 in United States currency.

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, NORMAN EASTBURN,  
up to the value of the property described in the preceding paragraph.

  
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PAUL J. FISHMAN  
United States Attorney

CASE NUMBER: \_\_\_\_\_

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

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**UNITED STATES OF AMERICA**

**v.**

**NORMAN EASTBURN**

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**INFORMATION FOR**

42 U.S.C. § 1320a-7b(b) (1) (A)

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**PAUL J. FISHMAN**

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