

**FILED**

SEP 28 2015

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY \_\_\_\_\_ DEPUTY CLERK

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5  
6 Attorneys for Plaintiff  
United States of America

7  
8 IN THE UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA

2:15 - CR - 200 JAM

10 UNITED STATES OF AMERICA,  
11 Plaintiff,  
12 v.  
13 NEIL A. VAN DYCK,  
14 Defendant.

CASE NO.  
VIOLATION: 18 U.S.C. § 1347 – Health Care  
Fraud; 18 U.S.C. § 982(a)(7) – Criminal Forfeiture

15  
16 I N F O R M A T I O N

17 COUNT ONE: [18 U.S.C. § 1347 – Health Care Fraud]

18 The United States Attorney charges:

19 NEIL A. VAN DYCK,

20 defendant herein, as follows:

21 1. Beginning no later than January 2009 and continuing until at least August 2014, in the  
22 County of Placer, State and Eastern District of California, NEIL A. VAN DYCK did knowingly and  
23 willfully execute and attempt to execute a scheme and artifice to defraud and to obtain, by means of  
24 materially false and fraudulent pretenses, representations, and promises, money owned by and under the  
25 custody and control of Medicare, Medi-Cal, Tricare, and private insurers, all of which were health care  
26 benefit programs as defined in Title 18, United States Code, Section 24(b), all in connection with the  
27 delivery of and payment for health care benefits, items, and services.  
28

1           2.     The ways and means of the scheme included, but were not limited to, the defendant  
2 causing false or fraudulent bills to be submitted to Medicare, Medi-Cal, Tricare, and private insurers,  
3 with respect to the podiatric medical services that defendant claimed to have performed for patients that,  
4 in truth and in fact, the defendant did not perform or which were not reimbursable by Medicare, Medi-  
5 Cal, Tricare, and private insurers.

6           3.     The total amount of fraudulent claims submitted to Medicare, Medi-Cal, Tricare, and  
7 private insurers as part of the defendant's healthcare fraud scheme from 2009 to August 2014 was over  
8 \$2,860,000. Those entities paid approximately \$1,230,000 to the defendant on the fraudulent claims,  
9 including over \$1,075,000 paid by Medicare, Medi-Cal, and Tricare.

10          4.     On or about August 17, 2011, for the purpose of executing and attempting to execute the  
11 aforementioned scheme and artifice to defraud, defendant submitted or caused to be submitted a claim to  
12 Medicare in the amount of \$90 for payment for podiatric services performed on or about August 4,  
13 2011. The claim was electronically submitted from Roseville, California to Medicare's Administrative  
14 Contractor in Augusta, Georgia. The claim falsely represented that defendant had performed a nail  
15 avulsion procedure. In truth and in fact, defendant performed routine foot care, all in violation of Title  
16 18, United States Code, Section 1347.

17  
18 FORFEITURE ALLEGATION: [18 U.S.C. § 982(a)(7) – Criminal Forfeiture]

19          1.     Upon conviction of the offense alleged in this Information, defendant NEIL A. VAN  
20 DYCK shall forfeit to the United States, pursuant to 18 U.S.C. § 982(a)(7), all property, real and  
21 personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the  
22 commission of the offense, including, but not limited to:

23           a.     A money judgment in the amount of \$1,230,000.00.

24          2.     If any property subject to forfeiture, as a result of the offense alleged in this Information,  
25 for which defendant is convicted:

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

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

28           c.     has been placed beyond the jurisdiction of the Court;

- 1 d. has been substantially diminished in value; or
- 2 e. has been commingled with other property which cannot be divided without
- 3 difficulty;

4 it is the intent of the United States, pursuant to 18 U.S.C. § 982(b)(1), incorporating 21 U.S.C. § 853(p),  
5 to seek forfeiture of any other property of said defendant, up to the value of the property subject to  
6 forfeiture.

7  
8 Dated: September 28, 2015

BENJAMIN B. WAGNER  
United States Attorney

9  
10 By: 

TODD A. PICKLES  
Assistant United States Attorney

United States v. NEIL A. VAN DYCK

Penalties for Information

**COUNT 1:** NEIL A. VAN DYCK

2:15 - CR - 200 JAM

**VIOLATION:** 18 U.S.C. § 1347 – Health Care Fraud

**PENALTIES:** A maximum of up to 20 years in prison; or  
Fine of up to \$1,000,000; or both fine and imprisonment  
Supervised release of at least 3 years up to life

**SPECIAL ASSESSMENT:** \$100 (mandatory on each count)

**FORFEITURE ALLEGATION:**

**VIOLATION:** 18 U.S.C. § 982(a)(7) – Criminal Forfeiture

**PENALTIES:** As stated in the charging document