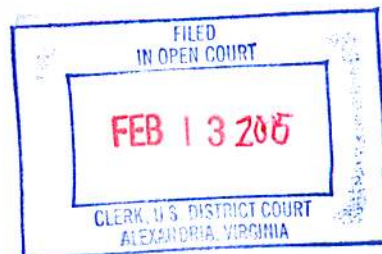


UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA



Alexandria Division

UNITED STATES OF AMERICA)	
Plaintiff)	
)	Criminal Case 1:14CR256
v.)	
)	Judge Liam O'Grady
NIBEDITA MOHANTY, M.D.)	
Defendant)	

STATEMENT OF FACTS

The United States and the defendant, Nibedita Mohanty, M.D., agree that the allegations in the Indictment and the following facts are true and correct, and that had this matter proceeded to trial, the United States would have proven each of them beyond a reasonable doubt:

1. On or about May 31, 2011, in Stafford County, Virginia, within the Eastern District of Virginia, the defendant, Nibedita Mohanty, M.D., did unlawfully, knowingly, and intentionally distribute and dispense a mixture and substance containing a detectable amount of oxycodone, a Schedule II controlled substance, not for a legitimate medical purpose and beyond the bounds of medical practice, to V.W., in violation of Title 21, United States Code, Section 841(a).

2. On or about October 3, 2011, in Stafford County, Virginia, within the Eastern District of Virginia, the defendant, Nibedita Mohanty, M.D., did unlawfully, knowingly, and intentionally distribute and dispense a mixture and substance containing a detectable amount of oxycodone and Fentanyl, Schedule II controlled

substances, not for a legitimate medical purpose and beyond the bounds of medical practice, to A.S., in violation of Title 21, United States Code, Section 841(a).

3. On or about August 2, 2010, in Stafford County, Virginia, within the Eastern District of Virginia, the defendant, Nibedita Mohanty, M.D., unlawfully, knowingly, and willfully aided and abetted D.C. in the attempt and execution of a scheme and artifice to defraud a health care benefit program (Anthem) in connection with the delivery of or payment for health care benefits, items, and services, to wit: by issuing prescriptions not for a legitimate medical purposes and beyond the bounds of medical practice, due to Dr. Mohanty's failure to hold the proper DEA X Number, and knowingly causing D.C. to submit claims to Anthem for the cost of Dr. Mohanty's prescriptions, in violation of Title 18, United States Code, Sections 1347 and 2.

Background

4. On or about May 17, 1986, Dr. Mohanty received a medical degree from the Medical College of Virginia, Virginia Commonwealth University in Richmond, Virginia. On or about June 30, 1989, Dr. Mohanty completed her residency in Internal Medicine at Brown University School of Medicine, in Providence, Rhode Island. On or about November 1, 1990, Dr. Mohanty received a license to practice medicine in Virginia.

5. From in or about June 2009 through on or about February 12, 2013, Dr. Mohanty was Chief of Medicine at Stafford Hospital in Stafford, Virginia, within the Eastern District of Virginia.

Facts in Support of Count Two as Amended to Remove "Resulting" Clause

6. On or about May 2, 2011, in Stafford, Virginia, Dr. Mohanty issued prescriptions to V.W. for 60 Dilaudid 8 mg tablets, 380 oxycodone 30 mg tablets, and 60 OxyContin 80 mg tablets, which were not for a legitimate medical purpose and beyond the bounds of medical practice.

7. On or about May 19, 2011, V.W. experienced a nonfatal narcotics overdose. The Mary Washington Hospital records state that V.W. "was taking oxycodone, but did not take any narcotics in the last 2 months, but this morning she was complaining of some pain, took 2 oxycodone."

8. On or about May 20, 2011, in Fredericksburg, Virginia, Dr. Mohanty visited V.W. at Mary Washington Hospital according to medical records. In addition, on or about October 26, 2011, Dr. Mohanty's medical practice issued a bill to V.W. for \$199 related to her services during the May 20, 2011, discharge from Mary Washington Hospital.

9. On or about May 31, 2011, in Stafford, Virginia, Dr. Mohanty issued prescriptions to V.W. for 60 Dilaudid 8 mg tablets, 380 oxycodone 30 mg tablets, and 60 OxyContin 80 mg tablets, which were not for a legitimate medical purpose and beyond the bounds of medical practice.

10. On or about June 1, 2011, V.W. was found deceased in the bathroom of a friend's home.

11. On or about October 17, 2011, the toxicology report indicated that V.W.'s iliac blood contained 1.4 mg/L of oxycodone, 0.58 mg/L of imipramine, and 1.7 mg/L of desipramine (a metabolite of imipramine).

12. On or about October 27, 2011, V.W.'s cause of death was determined to be accidental acute combined oxycodone and imipramine toxicity.

Facts in Support of Count Four as Amended to Remove "Resulting" Clause

13. On or about October 3, 2011, in Stafford, Virginia, Dr. Mohanty issued prescriptions to A.S. for 10 Fentanyl 100 mcg patches, 150 oxycodone 10 mg tablets, 300 oxycodone 15 mg tablets, 500 oxycodone 30 mg tablets, and 120 Percocet 10 mg tablets, which were not for a legitimate medical purpose and beyond the bounds of medical practice.

14. On or about October 12, 2011, A.S. was found unresponsive in her home by her eight-year old son. A 911 call was placed by A.S.'s mother, whom the young son had immediately called. After the call, EMT's arrived at the home, and A.S. was transported to Mary Washington Hospital. The hospital records and testimony would have shown that the nonfatal overdose was oxycodone related.

Facts in Support of Count Forty-Four

15. On or about November 20, 2008, in Stafford, Virginia, at D.C.'s first appointment with Dr. Mohanty, Dr. Mohanty's office staff made copies of D.C.'s Anthem insurance card and coverage information, which was contained in Dr. Mohanty's patient file of D.C. On that date, D.C. also listed Anthem as his primary insurance company on the Patient Welcome Form, and used his insurance to pay for

that office visit. D.C. also identified himself as someone who was addicted to heroin and sought Dr. Mohanty's treatment for drug addiction and dependence.

16. On or about February 4, 2009, Dr. Mohanty filled out a Prior Authorization of Benefits Form for buprenorphine listing the diagnosis as "Narcotic Dependence and Addiction" for D.C.

17. On or about October 26, 2009, Dan's Wellness Pharmacy contacted Dr. Mohanty's office about an October 25, 2009, prescription for Subutex 8 mg tablets stating that "on Rx it must say as needed for pain since Dr. Mohanty doesn't have a X DEA #." Dr. Mohanty acknowledged receipt of that information by writing "Done" and adding the word "pain" to that prescription.

18. On or about August 2, 2010, Dr. Mohanty called in 3 Subutex 8 mg tablets to the CVS Pharmacy in Fredericksburg, Virginia for D.C. D.C. filled the Subutex prescription issued by Dr. Mohanty, and the cost of filling the prescription was billed to and paid for by D.C.'s Anthem health insurance.

19. At no time did Dr. Mohanty possess a "X" DEA number, nor was she authorized for office-based narcotic buprenorphine treatment.

Forfeiture

20. On February 1, 2013, during the execution of a state search warrant of the defendant's office, \$7,320 in cash was found in the defendant's purse, \$28,840 in cash was found in the defendant's desk, and \$3,074 in cash was found in the defendant's bank bag. On May 10, 2013, during an arrest on state charges, \$3,886 in cash was found in the defendant's purse.

Conclusion

21. The Statement of Facts signed by the defendant shall be admissible as a knowing and voluntary confession in any proceeding, hearing, or trial against the defendant regardless of whether the plea agreement is presented to or accepted by a court. Moreover, the defendant waives any rights that the defendant may have under Fed. R. Crim. P. 11(f), Fed. R. Evid. 410, the United States Constitution, and any federal statute or rule to object to the admissibility of this Statement of Facts in any such proceeding, hearing, or trial.

22. Dr. Mohanty's actions in furtherance of the offenses charged in this case, including but not limited to the acts described above, were done willfully, knowingly, with the specific intent to violate the law, and not because of accident, mistake, or other innocent reason.

23. The foregoing statement of facts is a summary of the principal facts that constitute the legal elements of the offenses. This summary does not describe all of the evidence that the United States would present at trial or all of the relevant conduct that would be used to determine Dr. Mohanty's sentence under the Sentencing Guidelines. Dr. Mohanty acknowledges that the foregoing statement of facts does not describe all of Dr. Mohanty's conduct relating to the offenses charged in this case, nor does it identify all the persons with whom Dr. Mohanty may have engaged in illegal activities.

Respectfully submitted,

Dana J. Boente
United States Attorney

Gene Rossi

Gene Rossi
Assistant U.S. Attorney

Friday
2/13/2015

Jennifer Ballantyne 2/13/15
Jennifer Ballantyne
Special Assistant U.S. Attorney

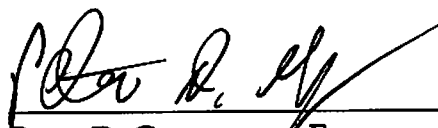
Nicole Grosnoff 2/13/15
Nicole Grosnoff
Special Assistant U.S. Attorneys

Defendant's Stipulation and Signature: After consulting with my attorney and reviewing the above statement of facts, I stipulate that the above statement of facts is true and accurate. I further stipulate that had the matter proceeded to trial, the United States would have proven the same beyond a reasonable doubt.



Nibedita Mohanty, M.D.
Defendant

Defense Counsel's Signature: I am Nibedita Mohanty's attorney. I have carefully reviewed the above statement of facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.



Peter D. Greenspur, Esq.
Counsel for Nibedita Mohanty, M.D.