



Department of Justice

United States Attorney Carmen M. Ortiz
District of Massachusetts

FOR IMMEDIATE RELEASE

September 28, 2016

www.justice.gov/usao/ma/news.html

 twitter.com/dmanews1

CONTACT: CHRISTINA DIORIO-STERLING

Phone (617) 748-3356

usama.media@usdoj.gov

FORMER EMPLOYEE OF RHODE ISLAND PAIN CLINIC CHARGED IN CONNECTION WITH FRAUDULENT BILLING SCHEME

BOSTON – A former employee of a pain management clinic was charged today in U.S. District Court in Boston in connection with a scheme to falsify patient medical records in order to obtain payments from the Medicare program and commercial insurance companies.

Moustafa Moataz Aboshady, 33, an Egyptian national residing in Lake Forest, Calif., was indicted on one count of conspiracy and two counts of making false statements in connection with health care benefit programs. Aboshady was arrested today in California.

As alleged in the indictment, Aboshady was a medical resident in Massachusetts and Rhode Island, employed at New England Wellness & Pain Management, P.C., which was also known as New England Pain Associates, P.C., Greystone Pain Management, Inc., and New England Pain Institute, P.C., or NEPA. NEPA had locations in Massachusetts and Rhode Island. The indictment alleges that Aboshady was part of a conspiracy involving other members of NEPA, including its owner and members of a satellite office in Cairo, Egypt, to submit claims for payment to Medicare and commercial insurance companies for services not rendered.

As part of the scheme, Aboshady allegedly falsified, and instructed others to falsify, patient encounter notes. Such false information included, but was not limited to, detailed descriptions of extensive physical examinations and treatment plans, and durations of face-to-face interactions with patients to create the appearance of lengthy and involved patient appointments, when in fact these services did not take place. Aboshady instructed the Cairo office to create false electronic signatures on the encounter notes and how to make the timestamps for those signatures look realistic. In an email dated Feb. 13, 2013, Aboshady provided the following instruction to the Cairo office in connection with creating false entries in the encounter note for one of the patients:

ROS [review of systems] cardiac, no one has rheumatic fever in america. pls don't use it.[]no one asks about varicose viens. remove otoscopic exam from ent.[]remove thyroid exam.[]chest exam leave ronchi and wheezes only.[]Cardiac remove palpation, rubs and gallops. Abdomen remove masses and hepatosplenomegally.[]change the rest of physical exam the way i did. Pls sign the note as 8:12 or 8:17 instead of 8:00.

Pls share with threst [sic]. it takes me forever to fix notes.

According to the indictment, Aboshady was also responsible, in conjunction with the Cairo office, for fabricating the dates of urine drug test results, so that the tests appeared to have been performed within days of specimen collection rather than weeks or months thereafter. This information was necessary to support billing codes submitted to insurance companies. In fact, NEPA tested patients' urine weeks and sometimes three months after the specimens had been collected and stored the specimens in unrefrigerated in large plastic bags and containers.

On some occasions, Aboshady and the owner of NEPA allegedly falsified, and caused the Cairo office to falsify, medical records shortly after patients' appointments. Other times, in response to audits or requests for medical records by Medicare programs and insurance companies, he falsified medical records months and even over a year after patients' appointments.

The indictment further alleges Aboshady falsified, and instructed others to falsify, patient records despite an email from a physician assistant to Aboshady and the NEPA owner in June 2012, at the beginning of the charged conspiracy, stating that:

I have recently noticed there are some notes written under my name that have been changed/edited without my knowledge I know exactly what I write in my notes so it is very easy for me to see when a note has been edited [I]t holds me responsible for a physical exam that I did not do, if the note[] says that I have. I purposely do not include portions of the physical exam in my note that I did not do.

Fathalla Mashali, the owner of NEPA, is scheduled to stand trial on Feb. 27, 2017.

The charging statutes provide for a sentence of no greater than five years in prison, three years of supervised release, a fine of \$250,000 on each count, restitution and forfeiture. Actual sentences for federal crimes are typically less than the maximum penalties. Sentences are imposed by a federal district court judge based upon the U.S. Sentencing Guidelines and other statutory factors.

United States Attorney Carmen M. Ortiz; Harold H. Shaw, Special Agent in Charge of the Federal Bureau of Investigation, Boston Field Division; Phillip Coyne, Special Agent in Charge of the U.S. Department of Health and Human Services, Office of the Inspector General, Office of Investigations; Anthony DiPaolo, Chief of Investigations of the Massachusetts Insurance Fraud Bureau; and Joel P. Garland, Special Agent in Charge of the Internal Revenue Service's Criminal Investigation in Boston; made the announcement today. The case is being prosecuted by Assistant U.S. Attorney Maxim Grinberg of Ortiz's Health Care Fraud Unit.

The details contained in the indictment are allegations. The defendant is presumed innocent unless and until proven guilty beyond a reasonable doubt in a court of law.

###