

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Crim. No. 23-_____
 : :
 : 18 U.S.C. § 1349
 : :
v. : :
 : :
HARRY PIZUTELLI : :

I N F O R M A T I O N
(Conspiracy to Commit Health Care Fraud)

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

Relevant Parties, Entities, and Background

At various times relevant to this Information:

1. The New Jersey Traumatic Brain Injury Fund (“TBI Fund” or “Fund”) was a taxpayer-funded program and a component of the New Jersey Department of Human Services, Division of Disability Services. The Fund’s purpose was to provide New Jersey residents who had suffered a traumatic brain injury (“TBI”) with services and support, in order to maximize their quality of life when funding from insurance, personal resources, or other programs was unavailable to meet their needs. The TBI Fund supported services and products including, but not limited to, physical, occupational, and speech therapy; service coordination; assistive technology; cognitive therapy; neuropsychological services; pharmaceuticals; wheelchair ramp installation and other home modifications; and

general home management and maintenance. The TBI Fund was a health care benefit program as defined in 18 U.S.C. § 24(b).

2. Defendant HARRY PIZUTELLI (“PIZUTELLI”) resided in Edison, New Jersey. PIZUTELLI was employed by the State of New Jersey, Department of Human Services, and was the manager of the TBI Fund. In that capacity, PIZUTELLI was responsible for the day-to-day operation of the Fund, and he supervised, managed, and oversaw the process by which third-party vendors were paid for services rendered to eligible TBI Fund patients.

3. Co-conspirator-1 (“CC-1”) was the owner of a company (the “Company”) purporting to do business in the State of New Jersey. In CC-1’s capacity as owner of the Company and also in CC-1’s personal capacity, CC-1 fraudulently held herself out as a TBI Fund vendor responsible for providing TBI-related services to eligible patients, including physical therapy, occupational therapy, and acupuncture.

4. Co-conspirator-2 (“CC-2”) was a friend of CC-1 and fraudulently held himself out as a TBI Fund contractor responsible for, among other things, providing TBI-related services to eligible patients, including the installation of wheelchair ramps and other home-modification services.

5. To be eligible for services supported by the TBI Fund, a patient was required to provide medical documentation of a traumatic brain injury, documentation showing liquid assets of less than \$100,000, and proof of residency in New Jersey for at least 90 consecutive days. After a prospective TBI patient applied for services to be funded by the TBI Fund, Fund personnel reviewed the

application and, if it was approved, the patient was authorized to secure designated services from a third-party vendor.

6. Once a patient received services approved by the TBI Fund, the vendor or service provider submitted an invoice to the Fund for payment. When an invoice was received, TBI Fund personnel reviewed the invoice to ensure that the patient had been approved to receive the billed services. If the invoice was approved, an internal payment voucher was generated, authorized by senior Fund personnel (including defendant PIZUTELLI) and then submitted to the New Jersey Department of the Treasury for payment, which issued a check directly to the vendor.

The Conspiracy

7. From in or about January 2009 to in or about June 2019, in Mercer County and Ocean County, in the District of New Jersey, and elsewhere, the defendant,

HARRY PIZUTELLI,

did knowingly and intentionally conspire with others, including CC-1, CC-2, and other co-conspirators not identified herein, to devise and execute a scheme and artifice to defraud the New Jersey Traumatic Brain Injury Fund, a health care benefit program as defined under Title 18, United States Code, Section 24(b), and to obtain, by means of false and fraudulent pretenses, representations, and promises, money and property owned by and under the custody and control of said health care benefit program, in connection with the delivery of and payment for health care

benefits, items, and services, contrary to Title 18, United States Code, Section 1347(a).

Object of the Conspiracy

8. The object of the conspiracy was to fraudulently misappropriate more than \$4.5 million in taxpayer-funded health care benefit funds reserved for legitimate TBI Fund patients suffering from actual traumatic brain injuries, and to convert and use those funds for the conspirators' personal use, benefit, and enjoyment.

Manner and Means of the Conspiracy

9. It was part of the conspiracy that defendant PIZUTELLI, acting in his official capacity as TBI Fund manager, orchestrated the distribution of fraudulent vendor payments to CC-1, the Company, CC-2, and other co-conspirators for purported services that CC-1, the Company, CC-2, and the other co-conspirators provided to TBI Fund patients when, in fact, the co-conspirators provided no such services.

10. It was further part of the conspiracy that defendant PIZUTELLI fabricated and processed fraudulent invoices reflecting purported services that CC-1, the Company, CC-2, and other co-conspirators had provided to eligible patients.

11. It was further part of the conspiracy that, in his role as TBI Fund manager, defendant PIZUTELLI approved and transmitted fraudulent internal payment vouchers so that CC-1, the Company, CC-2, and other co-conspirators received payment from the Fund.

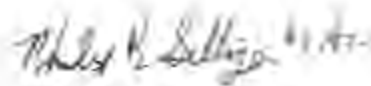
12. It was further part of the conspiracy that defendant PIZUTELLI facilitated the fraudulent distribution of public funds from the TBI Fund to CC-1, the Company, CC-2, and other co-conspirators in furtherance of a romantic relationship that PIZUTELLI had developed and maintained with CC-1, and that PIZUTELLI facilitated the fraudulent distribution of public funds from the TBI Fund to several other co-conspirators in furtherance of romantic and/or sexual relationships that PIZUTELLI developed with those co-conspirators.

13. It was further part of the conspiracy that defendant PIZUTELLI processed fraudulent invoices and payment vouchers that facilitated the fraudulent distribution of more than \$940,000 from the TBI Fund to the Company and CC-1.

14. It was further part of the conspiracy that defendant PIZUTELLI processed fraudulent invoices and payment vouchers that facilitated the fraudulent distribution of more than \$3.245 million from the TBI Fund to CC-2.

15. It was further part of the conspiracy that defendant PIZUTELLI processed fraudulent invoices and payment vouchers that facilitated the fraudulent distribution of more than \$365,000 from the TBI Fund to other co-conspirators.

In violation of Title 18, United States Code, Section 1349.



PHILIP R. SELLINGER
United States Attorney

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v.

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INFORMATION FOR

18 U.S.C. § 1349

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