

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:  
UNITED STATES OF AMERICA :  
:  
- v. - :  
:  
FENG QIN, :  
Defendant. :  
----- X

SEALED INDICTMENT

18 Cr. 18 CRIM 854

COUNT ONE  
(Health Care Fraud)

The Grand Jury charges:

Introduction

1. From in or about 2015, up to and including in or about 2016, FENG QIN, the defendant, owned and operated Qin Medical P.C., a solo medical practice in Lower Manhattan, with an additional location in Far Rockaway, Queens. The practice provided vascular surgery services primarily to patients with end-stage renal disease ("ESRD") who received hemodialysis. These ERS D patients were enrolled in Medicare. Two of the most common procedures QIN performed were fistulagrams (a radiological procedure in which dye is injected into the patient's vein or artery to visualize it) and percutaneous transluminal angioplasties (in which wires and balloons are inserted into veins or arteries that have narrowed in order to restore the blood flow).

2. During the relevant period, FENG QIN, the defendant, perpetrated a scheme to defraud Medicare by performing fistulagrams and angioplasties that were paid for by Medicare but that were not reasonable and necessary and did not comply with applicable program instructions.

#### Background on Medicare

3. Medicare is a federal health care program providing benefits to persons who are over the age of 65 or disabled. Medicare is a "health care benefit program," as defined by Title 18, United States Code, Section 24(b). Patients with ESRD are enrolled in Medicare.

4. Medicare covers costs related to medical treatment, such as the costs of physicians' services, prescription medications, and medical procedures. Generally, such costs are covered only if, among other requirements, such services and items are ordered by a physician for a patient and are reasonable and necessary.

5. During the relevant period, the contractor operating the Medicare program in New York State reimbursed a provider for fistulagrams and angioplasties performed on ESRD patients only when the patients had certain "diagnostically specific and appropriate indications" that demonstrated the need for such intervention. Moreover, angioplasties performed on ESRD

patients were reimbursed only when there was "documentation supporting the presence of residual, hemodynamically significant stenosis [blood vessel blockage], generally >/50 percent of the vessel diameter."

#### The Health Care Fraud Scheme

6. On or about May 1, 2015, FENG QIN, the defendant, entered into a Stipulation and Order of Settlement and Dismissal with the United States in which he admitted that, from December 2010 through April 2012, while with a previous employer, he provided vascular surgery services (fistulagrams and angioplasties) to ESRD patients in manner that violated applicable Medicare program instructions regarding whether such services were reasonable and necessary. QIN paid \$150,000 as part of the settlement of that case.

7. From in or about 2015, up to and including in or about 2016, FENG QIN, the defendant, continued to provide care that was not reasonable and necessary and violated program instructions while working from his own medical practice, Qin Medical. Specifically, QIN routinely performed fistulagrams and angioplasties on ESRD patients who did not have the requisite "diagnostically specific and appropriate indications" and who did not have "hemodynamically significant stenosis" in the treated blood vessels. Qin Medical then fraudulently billed Medicare for

these fistulagrams and angioplasties, even though they were not procedures covered by Medicare. In the two-year period between in or about 2015 and in or about 2016, QIN billed Medicare for over \$11 million for fistulagrams and angioplasties. During this same period, QIN received from Medicare over \$2.5 million for these procedures.

#### Statutory Allegations

8. From in or about 2015, up to and including in or about 2016, in the Southern District of New York and elsewhere, FENG QIN, the defendant, knowingly and willfully executed, and attempted to execute, a scheme and artifice to defraud a health care benefit program, as that term is defined in 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, a health care benefit program, in connection with the delivery of and payment for health care benefits, items, and services, to wit, QIN submitted millions of dollars in fraudulent claims to Medicare, on the false pretense and representation that the fistulagrams and angioplasties QIN performed were reasonable and necessary and complied with applicable program instructions, and were thus covered by Medicare.

(Title 18, United States Code, Sections 1347 and 2.)

FORFEITURE ALLEGATIONS

9. As a result of committing the offense charged in Count One of this Indictment, FENG QIN, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(7), any and all property, real or personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of said offense, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offense that the defendant personally obtained.

Substitute Assets Provision

10. If any of the above-described forfeitable property, 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 person;

(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 subdivided without difficulty;

it is the intent of the United States, pursuant to Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable

property.

(Title 18, United States Code, Section 982; and  
Title 28, United States Code, Section 2461.)

  
FOREPERSON 

  
GEOFFREY S. BERMAN  
United States Attorney

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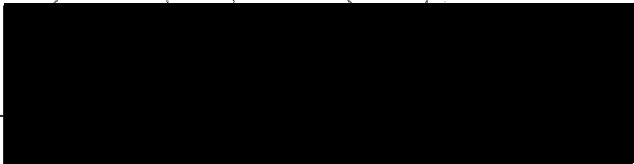
SEALED INDICTMENT

18 Cr.

Geoffrey S. Berman  
United States Attorney

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 A TRUE BILL

  
Foreperson.

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