

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA

SUPERSEDING  
INDICTMENT

- v. -

: S2 16 Cr. 221 (RWS)

ASHRAF HASAN-HAFEZ and  
ILYA KOGAN,

Defendants.

:

- - - - - X

COUNT ONE  
(Conspiracy to Commit Health Care Fraud)

The Grand Jury charges:

OVERVIEW OF THE SCHEME

1. From at least in or about January 2010 up to and including at least in or about August 2013, in the Southern District of New York and elsewhere, ASHRAF HASAN-HAFEZ and ILYA KOGAN, the defendants, and their co-conspirators, in order to fraudulently obtain payments from Medicare and Medicaid to which they were not entitled, submitted and caused to be submitted to Medicare and Medicaid numerous false and fraudulent claims and supporting documentation for physical therapy services, and related medical items and services, that were not provided, were provided by unlicensed, unsupervised, or otherwise unqualified persons, or were billed to reflect different or additional services than were actually provided.

STATUTORY ALLEGATIONS

2. From at least in or about January 2010 through at least in or about August 2013, in the Southern District of New York and elsewhere, ASHRAF HASAN-HAFEZ and ILYA KOGAN, the defendants, and others known and unknown, willfully and knowingly, did combine, conspire, confederate, and agree together and with each other to commit health care fraud, in violation of violate Title 18, United States Code, Section 1347.

3. It was a part and object of the conspiracy that ASHRAF HASAN-HAFEZ and ILYA KOGAN, the defendants, and others known and unknown, would and did knowingly and willfully execute, and attempt to execute, a scheme and artifice to defraud a health care benefit program 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, namely Medicare and Medicaid, in connection with the delivery of and payment for health care benefits, items, and services, in violation of Title 18, United States Code, Section 1347.

(Title 18, United States Code, Section 1349.)

COUNT TWO  
(Health Care Fraud)

The Grand Jury further charges:

4. From at least in or about January 2010 up to and including

at least in or about August 2013, in the Southern District of New York and elsewhere, ASHRAF HASAN-HAFEZ and ILYA KOGAN, the defendants, knowingly and willfully did execute, and attempt to execute, a scheme and artifice to defraud a health care benefit program 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, namely Medicare and Medicaid, in connection with the delivery of and payment for health care benefits, items, and services, to wit, HASAN-HAFEZ and KOGAN, in order to fraudulently obtain payments from Medicare and Medicaid to which they were not entitled, submitted and caused to be submitted to Medicare and Medicaid numerous false and fraudulent claims and supporting documentation for physical therapy services, and related medical items and services, purportedly provided to beneficiaries by qualified persons that in fact were not provided, were provided by unlicensed, unsupervised, or otherwise unqualified persons, or were billed to reflect different or additional services than were actually provided.

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

**FORFEITURE ALLEGATION AS TO COUNTS ONE AND TWO**

5. As a result of committing the federal health care fraud offenses charged in Count One and Count Two of this Indictment, in violation of Title 18 United States Code Sections 1349 and 1347,

ASHRAF HASAN-HAFEZ and ILYA KOGAN, the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(7), any and all property, real and personal, that constitutes or is derived, directly and indirectly, from gross proceeds traceable to the commission of the offenses charged in Count One and Count Two of this Indictment.

Substitute Assets Provision

6. If any of the above described forfeitable property, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (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 18, United States Code, Section 982(b), Title 21, United States Code, Section 853(p), and Title 28, United States Code, Section 2461, to seek forfeiture of any other property of the defendants up to the value

of the above forfeitable property.

(Title 18, United States Code, Section 982;  
Title 21, United States Code, Section 853; and  
Title 28, United States Code, Section 2461.)

Kim Johnson  
FOREPERSON

Geoffrey S. Berman  
GEOFFREY S. BERMAN  
United States Attorney

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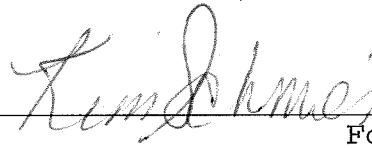
SEALED SUPERSEDING INDICTMENT

S2 16 Cr. 221 (RWS)

(18 U.S.C. §§ 1347, 1349, and 2)

GEOFFREY S. BERMAN  
United States Attorney.

A TRUE BILL

  
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Linda Shmeil  
Foreperson.

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