

JEG:KVH
F.#2011R00213

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA

I N D I C T M E N T

- against -

Cr. No. _____
(T. 18, U.S.C., §§ 2
982(a)(7), 1347
and 3551 et seq.)

ALEKSANDR KHARKOVER,

Defendant.

- - - - - X

THE GRAND JURY CHARGES:

INTRODUCTION

At all times relevant to this Indictment, unless otherwise indicated:

The Medicare Program

1. The Medicare program ("Medicare") was a federal health care program providing benefits to persons who were over the age of 65 or disabled. Medicare was administered by the Centers for Medicare and Medicaid Services ("CMS"), a federal agency under the United States Department of Health and Human Services. Individuals who received benefits under Medicare were referred to as Medicare "beneficiaries."

2. Medicare was a "health care benefit program," as defined by Title 18, United States Code, Section 24(b) and referenced in Title 18, United States Code, Section 1347.

3. Medicare was subdivided into multiple Parts.

Medicare Part B covered the costs of physicians' services and outpatient care, such as physical therapy, occupational therapy, and diagnostic tests. Generally, Medicare Part B covered these costs if, among other requirements, they were medically necessary and ordered by a physician.

4. Medical providers certified to participate in Medicare were assigned a provider identification number ("PIN") for billing purposes. After a medical provider rendered a service, the provider used its PIN when submitting a claim for payment to the Medicare contractor or carrier assigned to that provider's state.

5. Medical providers were authorized to submit claims to Medicare only for services they actually rendered and were required to maintain patient records verifying the provision of services.

6. To receive payment from Medicare for a covered service, a medical provider was required to submit a claim, either electronically or in writing. The claim was required to include information identifying the medical provider, the patient and the services rendered. In submitting the claim, the provider certified, among other things, that the services were rendered to the patient and were medically necessary.

The Defendant

7. The defendant ALEKSANDR KHARKOVER was a physical therapist licensed to practice physical therapy in the state of New York. KHARKOVER received a provider number from Medicare in 2002, and was thus certified to participate in Medicare.

8. The defendant ALEKSANDR KHARKOVER maintained a private physical therapy practice in at least two locations in Brooklyn, New York. According to Medicare claims data and information KHARKOVER provided on various Medicare enrollment applications, KHARKOVER claimed that he treated the majority of Medicare beneficiaries in the beneficiaries' homes.

9. In or about and between January 2005 and July 2010, the defendant ALEKSANDR KHARKOVER caused the submission of approximately \$11.9 million in claims to Medicare for purportedly providing medically necessary physical therapy services to Medicare beneficiaries.

The Fraudulent Scheme

10. The defendant ALEKSANDR KHARKOVER hired individuals who were not certified as physical therapy assistants purportedly to provide physical therapy to Medicare beneficiaries.

11. The defendant ALEKSANDR KHARKOVER caused the submission of millions of dollars in false and fraudulent claims

to Medicare for physical therapy services that were not performed and were not medically necessary.

COUNTS ONE THROUGH FIVE
(Health Care Fraud)

12. The allegations contained in paragraphs 1 through 11 are realleged and incorporated as if fully set forth in this paragraph.

13. On or about the dates set forth below, within the Eastern District of New York and elsewhere, the defendant ALEKSANDR KHARKOVER, together with others, did knowingly and willfully execute and attempt to execute a scheme and artifice to defraud a health care benefit program, to wit: Medicare, and to obtain, by means of materially false and fraudulent pretenses, representations and promises, money and property owned by, and under the custody and control of, Medicare, in connection with the delivery of and payment for health care benefits, items and services:

Count	Beneficiary	Approximate Date of Claim	Approximate Date of Service	Services Billed	Approximate Claim Amount
ONE	L.S.	4/2/2008	5/12/2007	physical therapy	\$215
TWO	E.H.	1/28/2009	10/29/2007	physical therapy	\$202.40
THREE	N.R.	2/26/2009	2/25/2009	physical therapy	\$210
FOUR	Z.B.	5/13/2009	2/21/2009	physical therapy evaluation	\$100
FIVE	V.K.	9/16/2009	2/21/2009	physical therapy evaluation	\$83.88

(Title 18, United States Code, Sections 1347, 2 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION

14. The United States hereby gives notice to the defendant that, upon conviction of any of the offenses charged in this Indictment, the government will seek forfeiture in accordance with Title 18, United States Code, Section 982(a)(7), which requires any person convicted of such offenses to forfeit any property, real and personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of the offenses, including but not limited to a sum of

money in United States currency, in an amount to be determined at trial.

15. 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 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 divided without difficulty;

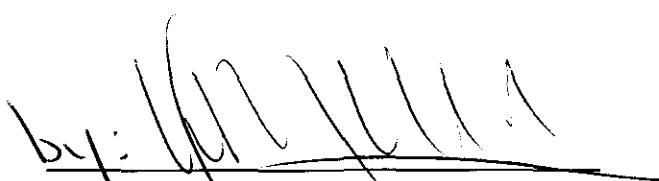
it is the intent of the United States, pursuant to Title 18, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(2) and Title 28, United States Code, Section 2461(c), to seek forfeiture of any

other property of the defendant up to the value of the
forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Section 982(a)(7))

A TRUE BILL


FOREPERSON


LORETTA E. LYNCH
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

DENIS J. MCINERNEY
CHIEF CRIMINAL DIVISION, FRAUD SECTION
U.S. DEPARTMENT OF JUSTICE

No.

UNITED STATES DISTRICT COURT

EASTERN *District of* NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

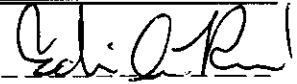
vs.

ALEKSANDR KHARKOVER Defendant.

INDICTMENT

(T. 18, U.S.C., §§ 1347, 982(a)(7), 2 and 3551 et seq.)

(*A true bill.*)



Foreman

Filed in open court this _____ *day,*

of _____ *A.D. 20* _____

Clerk

Bail, \$ _____

Katherine Houston, Trial Attorney (718) 254-6033