



# Department of Justice

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## **CHIROPRACTOR BROTHERS SENTENCED IN \$2 MILLION HEALTH CARE FRAUD SCHEME**

Atlanta, GA - ERIC TOPEL, 34, of Allen, Texas, formerly of Destin, Florida, and CHRISTOPHER TOPEL, 44, of Wichita, Kansas, formerly of Atlanta, Georgia, were sentenced today by United States District Judge William S. Duffey, Jr. on charges of health care fraud.

United States Attorney David E. Nahmias said, "The Topels were health care providers who, between the two of them, cheated Blue Cross Blue Shield of Georgia out of over \$2 million. By doing so, the Topels sought to enrich themselves at the expense of ordinary Americans who pay Blue Cross premiums. Those who would engage in similar schemes should take notice of the consequences of engaging in fraudulent billing practices that contribute to escalating health care costs for all."

ERIC TOPEL was sentenced to 2 years, 10 months in prison to be followed by three years of supervised release, during which he will be required to perform 350 hours of community service. ERIC TOPEL was convicted of these charges on February 17, 2006. CHRISTOPHER TOPEL was also sentenced to 2 years, 10 months in prison to be followed by three years of supervised release, during which he will be required to perform 350 hours of community service. CHRISTOPHER TOPEL was convicted of these charges on February 2, 2006.

According to United States Attorney Nahmias and the information presented in court:

From approximately late 2003 into 2005, at various back pain clinics within the state of Georgia, the TOPELS engaged in insurance fraud scams that together sought to deprive Blue Cross and Blue Shield of Georgia ("Blue Cross"), based in Columbus, Georgia, of almost \$2 Million. The scheme involved false billing for a non-surgical back pain procedure known as Veterbral Axial Decompression or "VAX-D." Blue Cross considers VAX-D to be investigational and not medically necessary, and has made clear to health care providers that it does not cover the procedure. However, the TOPELS sought and received reimbursement from Blue Cross for this non-covered procedure

anyway, by misleading Blue Cross into believing they were instead performing other services, that were covered. Specifically, the TOPELS used an inapplicable medical billing code on their insurance claims that pertained only to surgical nerve decompression procedures, rather than the medical billing code for VAX-D. The TOPELS also instructed their employees not to call the procedure “VAX-D” when speaking to Blue Cross representatives, and to conceal references to “VAX-D” in the patient files.

During this time, ERIC TOPEL was the sole owner of the Back Pain Institute of Albany, Georgia (“BPI of Albany”) and ERIC TOPEL and CHRISTOPHER TOPEL were co-owners (along with others) of the Back Pain Institute of Columbus, Georgia (“BPI of Columbus”). CHRISTOPHER TOPEL was also a co-owner of several back pain clinics in the metropolitan Atlanta area. As part of the scheme, BPI of Columbus billed Blue Cross for over \$630,000, and BPI of Albany billed Blue Cross for over \$860,000, all for VAX-D. During the same time period, CHRISTOPHER TOPEL’s Atlanta-based clinics also billed Blue Cross for over \$800,000 for VAX-D procedures. Blue Cross actually paid the defendants’ clinics more than \$1 Million before the scheme was identified.

This case was investigated by Special Agents of the Federal Bureau of Investigation.

Assistant United States Attorneys Justin Anand and Teresa D. Hoyt prosecuted the case.

For further information please contact David E. Nahmias (pronounced NAH-me-us), United States Attorney or F. Gentry Shelnett, Chief, Criminal Division, through Patrick Crosby, Public Affairs Officer, U.S. Attorney's Office, at (404) 581-6016. The Internet address for the HomePage for the U.S. Attorney's Office for the Northern District of Georgia is [www.usdoj.gov/usao/gan](http://www.usdoj.gov/usao/gan).