



Department of Justice

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LOCAL CHIROPRACTOR SENTENCED TO 5 YEARS IN FEDERAL PRISON FOR HEALTH CARE FRAUD

Atlanta, GA - DR. WILLIAM STEARNS, DC, 47, of Marietta, Georgia, was sentenced late yesterday to serve five years in prison by Senior United States District Court Judge Clarence Cooper, for participating in a \$2 million health care fraud scam at the network of back pain clinics that he operated with two co-conspirators. STEARNS was convicted after a two-week jury trial in October 2008.

United States Attorney David E. Nahmias said, "This sentence is another reminder that health care providers who fraudulently bill for their services will be held accountable for their crimes. These defendant and his partners received millions of dollars to which they were not entitled, by lying to insurers about the services they were providing patients. Such lies contribute to the problem of soaring health costs for all, and those responsible may end up spending years in prison."

STEARNS was sentenced to serve five years in federal prison, to be followed by 3 years of supervised release. There is no parole in the federal system. He was also ordered to pay \$1.2 million in restitution.

According to United States Attorney Nahmias and the information presented in court: In 2004, STEARNS and two partners, fellow chiropractors STEVEN LEVINE and CHRISTOPHER TOPEL, operated three clinics around the Atlanta area under the name Comprehensive Care Medical Group ("CCMG"). CCMG, under the direction of STEARNS, fraudulently billed Blue Cross/Blue Shield of Georgia for two separate back pain procedures, costing that insurer alone approximately \$2 million.

First, STEARNS and his partners fraudulently billed for a procedure known as Vertebral Axial Decompression ("VAX-D") – a non-invasive back pain procedure that uses a mechanical table to stretch a patient's spine. Blue Cross/Blue Shield of Georgia considers VAX-D to be investigational and not medically necessary, and made clear to health care providers that it did not cover the procedure. STEARNS, along with LEVINE and TOPEL, were convicted of having lied to Blue Cross about what procedures they were performing in order to get paid for this non-covered procedure. Specifically, instead

of using the specific billing code assigned to VAX-D, CCMG used a different code that pertained to surgical nerve decompression procedures. The Indictment charged that STEARNS used that code because he and the others knew Blue Cross would pay for it, and would not pay for VAX-D. The proof at trial included testimony from the STEARNS' former employees, several of whom were explicitly instructed to not refer to the procedure as "VAX-D" in patient files.

In addition, STEARNS also fraudulently billed for an electrical stimulation procedure using a device known as "Hako-Med." Instead of billing for a relatively low-paying electrical stimulation procedure, the Defendant instead claimed to be performing surgical procedures known as nerve block injections. This was false, but allowed STEARNS to bill for rates five to ten times as high as if he had correctly billed for electrical stimulation.

The defendants were initially charged in an indictment in March 2007. Both LEVINE and TOPEL previously pleaded guilty. TOPEL previously received a sentence of 2 years, 10 months' in federal prison. LEVINE's sentencing is scheduled for March 17, 2009, at 4 p.m., before Judge Cooper.

This case is one of a series in which the United States has obtained convictions against medical professionals who have fraudulently billed insurance companies for "VAX-D." All together, the VAX-D initiative in the Northern District of Georgia has resulted in 7 convictions of medical professionals, 6 of whom have been sentenced so far to a total of 19 years of imprisonment with monetary judgments over \$8 million.

This and other VAX-D cases have been investigated by Special Agents of the Federal Bureau of Investigation.

Assistant United States Attorneys Justin S. Anand and Teresa D. Hoyt are prosecuting these cases.

For further information please contact David E. Nahmias (pronounced NAH-me-us), United States Attorney, or Charysse L. Alexander, Executive Assistant United States Attorney, 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.