



Department of Justice

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TWO CHIROPRACTOR BROTHERS PLEAD GUILTY TO \$2 MILLION HEALTH CARE FRAUD SCAM

Atlanta, GA - ERIC TOPEL, 33, of Destin, Florida, pleaded guilty today in federal district court to two counts of an indictment that charged a scheme to commit health care fraud. His brother and co-defendant, CHRISTOPHER TOPEL, 43, of Atlanta, Georgia, pleaded guilty to one count of committing health care fraud on February 2, 2006.

United States Attorney David E. Nahmias said, "The Topels were health care providers who together cheated Blue Cross and Blue Shield of Georgia out of approximately \$2 million. By doing so the Topels sought to enrich themselves at the expense of Georgians who pay Blue Cross premiums. We will continue to vigorously investigate and prosecute such fraud, which contributes to escalating health care costs for all citizens."

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 approximately \$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 the TOPELS were instead performing other services, that were covered. Specifically, the TOPELS used an inapplicable medical billing code on their insurance claims, which code pertained only to surgical nerve decompression procedures. The TOPELS purposefully did not use the medical billing code pertaining to VAX-D, or other codes that were far closer to describing VAX-D than the surgical code the TOPELS used. 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 this same time, 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.

Noting that there are still matters under active investigation, United States Attorney Nahmias declined further comment about the facts of the case.

ERIC TOPEL was indicted in August 2005 on 10 counts of health care fraud. He pleaded guilty to two counts. He could receive a maximum sentence of 20 years in prison and a fine of up to \$500,000. CHRISTOPHER TOPEL was indicted in August 2005 on 5 counts of health care fraud. He pleaded guilty to one count. He could receive a maximum sentence of 10 years in prison and a fine of up to \$250,000.

Sentencing CHRISTOPHER TOPEL is scheduled for April 6, 2006, at 2:30p.m., and sentencing for ERIC TOPEL is scheduled for April 20, 2006, at 9:30a.m., both before United States District Judge William S. Duffey.

This case has been and continues to be investigated by Special Agents of the Federal Bureau of Investigation, with cooperation from investigators with Blue Cross Blue Shield.

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