

PRESS RELEASE

New York Doctor Charged with Health Care Fraud

Wednesday, October 23, 2024

For Immediate Release

U.S. Attorney's Office, District of Massachusetts

Doctor allegedly received kickbacks for ordering medically unnecessary brain scans

BOSTON – A New York doctor was charged today in federal court in Boston for allegedly receiving kickbacks in exchange for ordering medically unnecessary brain scans.

Dr. Kenneth Fishberger, 75, of East Setauket, N.Y. was charged and has agreed to plead guilty to one count of conspiracy to commit health care fraud. A plea hearing has not yet been scheduled by the Court.

According to the charging documents, Fishberger, an internist in Long Island, N.Y., was a licensed medical doctor in the State of New York for approximately 47 years. It is alleged that from approximately June 2013 through December 2019, Fishberger conspired with others, including a principal for a mobile medical diagnostics company that performed transcranial doppler (TCD) scans, and a salesperson for the company, to order hundreds of medically unnecessary TCD scans in exchange for kickbacks. TCD scans are brain scans that measure blood flow in parts of the brain – It is further alleged that Fishberger and his co-conspirators used false diagnoses to order the unnecessary brain scans, for which a co-conspirator would submit claims to Medicare and other insurance companies, including private insurance companies, on behalf of the medical diagnostic company for payment. In exchange, Fishberger was paid cash kickbacks of approximately \$100 per test. According to the charging documents, the scheme resulted in fraudulent bills of approximately \$891,978 to Medicare and private insurance companies.

The charge of conspiracy to commit health care fraud provides for a sentence of up to 10 years in prison, three years of supervised release and a fine of up to \$250,000. Sentences are imposed by a federal district court judge based upon the U.S. Sentencing Guidelines and statutes which govern the determination of a sentence in a criminal case.

Acting United States Attorney Joshua S. Levy; Roberto Coviello, Special Agent in Charge of the U.S. Department of Health and Human Services, Office of Inspector General; Jodi Cohen, Special Agent in Charge of the Federal Bureau of Investigation, Boston Division; Harry Chavis, Jr., Special Agent in Charge of the Internal Revenue Service's Criminal Investigation Division, Boston Field Office; Jonathan Mellone, Special Agent in Charge of the U.S. Department of Labor, Employee Benefits Security Administration, Boston Regional Office, Ketty Larco-Ward, Inspector in Charge of the U.S. Postal Inspection Service, Boston Division; and Christopher Algieri, Special Agent in Charge of the U.S. Department of Veterans Affairs Office of Inspector General, Northeast Field Office. Assistant U.S. Attorneys Howard Locker and Mackenzie Queenin of the Health Care Fraud Unit are prosecuting the case.

The details contained in the charging documents are allegations. The defendant is presumed innocent unless and until proven guilty beyond a reasonable doubt in a court of law.

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Topic

HEALTH CARE FRAUD

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