

Department of Justice
U.S. Attorney's Office
Central District of California

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Clinic owner and UPS driver indicted in bogus sleep study scheme that bilked employee health care programs at UPS and Costco

LOS ANGELES – The owner a Studio City clinic and a driver for United Parcel Service have been indicted on health care fraud charges related to unnecessary – and sometimes never-performed – sleep studies that resulted in more than \$11 million in bills being submitted to health care benefit programs, primarily for employees of UPS and Costco.

Anna Vishnevsky, 49, of Valley Village, the owner of Atlas Diagnostic Services, Inc., and Eddie Hernandez, 43, of Torrance, who is the UPS driver, were arrested on Tuesday pursuant to an 11-count indictment returned by a federal grand jury on December 14.

Vishnevsky and Hernandez were arraigned on the indictment Tuesday afternoon in United States District Court. After the two defendants entered not guilty pleas to the charges in the indictment, a trial was scheduled for January 30. Vishnevsky was released on a \$200,000 bond, and Hernandez was freed on a \$30,000 bond.

The case was announced today after United States District Judge George H. Wu signed an order late yesterday unsealing the indictment.

According to the indictment, Vishnevsky, Hernandez and others recruited “patients” by offering cash in exchange for participating in sleep study testing. They also allegedly offered additional cash to those who brought dependents and referred co-workers to participate in the scheme. Vishnevsky and Hernandez allegedly recruited patients knowing that no doctor had prescribed sleep study testing for them, and regardless of whether the testing was medically necessary.

Vishnevsky failed to score or interpret the data from the testing, or provide it to anyone who could score or interpret it, which is necessary for diagnosis and treatment, according to the indictment. Vishnevsky is further alleged to have billed insurance providers for two sleep studies for many patients, even though they went to her clinic on one night only.

Investigators believe that Vishnevsky and others submitted more than \$11 million in fraudulent claims, most of which related to beneficiaries of the UPS and Costco health care benefit programs.

An indictment contains allegations that a defendant has committed a crime. Every defendant is presumed to be innocent until and unless proven guilty in court.

Vishnevsky and Hernandez are each charged with 11 counts of health care fraud. If they were to be convicted, each would face a statutory maximum sentence of 10 years in federal prison for each count in the indictment.

The case against Vishnevsky and Hernandez is the result of an investigation by the United States Department of Labor - Office of Inspector General, the Department of Labor - Employee

Benefits Security Administration, the Federal Bureau of Investigation, and the Office of Personnel Management - Office of Inspector General.

The case is being prosecuted by Assistant United States Attorney Kerry L. Quinn of the Major Frauds Section.