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CLERK U.S. DISTRICT COURT  
CENTRAL DISTRICT OF CALIF.  
LOS ANGELES

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UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
SAMUEL ALBERT,  
  
Defendant.

CR NO. 16-0435

I N F O R M A T I O N

[18 U.S.C. § 1349: Conspiracy to  
Commit Health Care Fraud]

The United States Attorney charges:

[18 U.S.C. § 1349]

A. GENERAL ALLEGATIONS

At all times relevant to this Information:

1. Defendant SAMUEL ALBERT ("defendant ALBERT") was a licensed psychiatrist with a medical office located at 10840 Warner Avenue, Suite #1095, in Fountain Valley, California, within the Central District of California.

2. The Federal Employees' Compensation Act, Title 5, United States Code, Sections 8101, et seq. ("FECA"), provided compensation benefits to civilian employees of the United States for wage-loss disability due to a traumatic injury or occupational disease

1 sustained while working as a federal employee.

2 3. Benefits available pursuant to FECA were administered by  
3 the Office of Workers' Compensation Programs ("OWCP"), a component of  
4 the Department of Labor ("DOL").

5 4. A wage-loss disability claimant was required to return to  
6 work (including limited duty or part-time work) as soon as the  
7 claimant was able.

8 5. OWCP relied on physician providers to help assess when a  
9 disability claimant was able to return to work or if a claimant  
10 needed to continue receiving benefits under FECA, including  
11 physicians' care, medications, physical therapy, and a percentage of  
12 his or her regular pay.

13 6. FECA was a "health care benefit program" as defined by 18  
14 U.S.C. § 24(b), that affected commerce.

15 B. THE OBJECT OF THE CONSPIRACY

16 7. Beginning in or around at least January 2008, and  
17 continuing through in or around at least March 2014, in Orange  
18 County, within the Central District of California, and elsewhere,  
19 defendant ALBERT, together with others known and unknown to the  
20 United States Attorney, knowingly combined, conspired, and agreed to  
21 commit health care fraud, in violation of Title 18, United States  
22 Code, Section 1347.

23 C. THE MANNER AND MEANS OF THE CONSPIRACY

24 8. The object of the conspiracy was to be carried out, and was  
25 carried out, in substance, as follows:

26 a. At defendant ALBERT's direction, co-conspirator  
27 office employees with no official medical training or background

1 would prepare reports purportedly reflecting patients' psychiatric  
2 status, history, treatment, or progress based on psychotherapy  
3 sessions ("patient reports") for defendant ALBERT to submit to OWCP.

4 b. The co-conspirators would utilize various report  
5 templates (called K-Files) and complete patient reports to be  
6 submitted to OWCP on a random basis. The various patient reports  
7 would be completed by co-conspirator office employees by "cutting and  
8 pasting" template paragraphs into patient reports that would be  
9 submitted to OWCP.

10 c. The template paragraphs would be numbered and  
11 maintained within electronic documents and titled by the name of the  
12 report section to which they corresponded. For example, there would  
13 be documents containing paragraphs for the following patient report  
14 sections: "Current Situation"; "Treatment Modalities"; and  
15 "Rationalized Medical Opinion."

16 d. A "key" would be maintained on the final page of each  
17 patient report, with strict directions to never include the final  
18 page in the reports submitted to OWCP. The key would keep track of  
19 various details about the report's creation, such as which report  
20 template was used, the order of the report sections, and the font  
21 type.

22 e. Defendant ALBERT would direct co-conspirator office  
23 employees to maintain a log tracking the submitted report templates  
24 for each patient and the assigned OWCP Claims Examiner. The purpose  
25 of this log would be to never send the same OWCP Claims Examiner the  
26 same report template, and thereby, avoid detection of the scheme to  
27 fraudulently prepare and submit patient reports.


1 f. At defendant ALBERT's direction, co-conspirator office  
2 employees would prepare Health Insurance Claim Forms to bill OWCP for  
3 the preparation of the patient reports.

4 g. Defendant Albert would review and sign the Health  
5 Insurance Claim Forms and would cause them to be submitted to OWCP,  
6 along with printed versions of the corresponding patient reports.

7 9. As a result of defendant ALBERT's conduct, between in or  
8 about January 2008 and in or about March 2014, defendant ALBERT and  
9 his co-conspirators submitted and caused the submission of  
10 approximately 4,200,440 in false and fraudulent claims to DOL-OWCP  
11 for patient report billings, and DOL-OWCP paid approximately  
12 \$2,310,935 based on those claims.

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14 EILEEN M. DECKER  
United States Attorney

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16 LAWRENCE S. MIDDLETON  
Assistant United States Attorney  
Chief, Criminal Division

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CRIMINAL MINUTES - SENTENCING AND JUDGMENT

( Amended )

Case No. 2:16-cr-00435-SVW Date June 19, 2017

Present: The Honorable STEPHEN V. WILSON, U.S. DISTRICT JUDGE
Paul M. Cruz Deborah Gackle Ashwin Janakiram/Roger Hseih
Deputy Clerk Court Reporter/Recorder Assistant U.S. Attorney

Defendant Samuel Albert Custody Bond X Counsel for Defendant David J. Schindler Retd. DFPD Panel Interpreter N/A

PROCEEDINGS: SENTENCING AND JUDGMENT HEARING Contested X Non-Evidentiary

Day (if continued from a prior hearing date)

Refer to Judgment and Probation/Commitment Order; signed copy attached hereto. X Refer to separate Judgment Order.

X Imprisonment for 10 months on each of counts One of the Information

Count(s) concurrent/consecutive to count(s)

Fine of \$ is imposed on each of count(s) concurrent/consecutive.

Execution/Imposition of sentence as to imprisonment only suspended on count(s)

Confined in jail-type institution for to be served on consecutive days/weekends commencing

X 3 years Supervised Release imposed on count(s) One of the Information

consecutive/concurrent to count(s) under the usual terms & conditions (see back of Judgment/Commitment Order) and the following additional terms and conditions, under the direction of the Probation Office:

Perform hours of community service.

Serve in a CCC/CTC.

Pay \$ fine amounts & times determined by P/O.

X Make To be determined restitution in amounts & times determined by P/O.

Participate in a program for treatment of narcotic/alcohol addiction.

Pay any fine imposed by this sentence & that remains unpaid at commencement of community supervision. Comply with rules/regulations of ICE, if deported not return to U.S.A. illegally and upon any reentry during period of supervision report to the nearest P/O within 72 hours.

Other conditions:

Pursuant to Section 5E1.2(e), all fines are waived, including costs of imprisonment & supervision. The Court finds the defendant does not have the ability to pay.

X Pay \$100 per count, special assessment to the United States for a total of \$100

Imprisonment for months/years and for a study pursuant to 18 USC with results to be furnished to the Court within days/months whereupon the sentence shall be subject to modification. This matter is set for further hearing on

Government's motion, all remaining count(s)/underlying indictment/information, ordered dismissed.

X Defendant informed of right to appeal.

ORDER sentencing transcript for Sentencing Commission. X Processed statement of reasons.

X Bond exonerated X upon surrender upon service of

X Execution of sentence is stayed until 12 noon, October 18, 2017

at which time the defendant shall surrender to the designated facility of the Bureau of Prisons, or, if no designation made, to the U.S. Marshal.

Defendant ordered remanded to/released from custody of U.S. Marshal forthwith.

Issued Remand/Release #

Present bond to continue as bond on appeal. Appeal bond set at \$

X Filed and distributed judgment. ENTERED.

X Other An Evidentiary Hearing is set for September 18, 2017 at 10:00 a.m.

Initials of Deputy Clerk 1 : 33 PMC

cc: