

**STATE OF ILLINOIS**  
**DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION**  
**DIVISION OF PROFESSIONAL REGULATION**

DEPARTMENT OF FINANCIAL AND PROFESSIONAL	)	
REGULATION of the State of Illinois, Complainant	)	
v.	)	No. 2016-05486
Zoya Kosman, M.D.	)	
License No. 036-097367,	)	
Respondent	)	

**ORDER**

This matter having come before the Director of the Division of Professional Regulation of the Department of Financial and Professional Regulation of the State of Illinois after a Notice of Intent to Refuse to Renew the Illinois Physician and Surgeon License No. 036-097367 of Respondent, Zoya Kosman, M.D., was served upon her at her last known address to the Department, and Respondent failed to timely file a request for a hearing.

NOW, THEREFORE, I, JESSICA BAER, DIRECTOR OF THE DIVISION OF PROFESSIONAL REGULATION of the Department of Financial and Professional Regulation of the State of Illinois, find:

1. Respondent, Zoya Kosman, M.D., is a holder of Illinois Physician and Surgeon License No. 036-097367, which is presently in inactive status
  
2. On April 2, 2018, Respondent plead guilty of violation of 42 U.S.C. Section 408(3) (making and causing to be made a false statement and representation of material fact for use in determining the right to a federal benefit) in the Criminal Case No. 16 CR 403 in the United States District Court, Northern District of Illinois, Eastern Division. (See Department's Exhibit A, attached hereto and made a part of this Order. Respondent's aforementioned Plea of Guilty is grounds for the Department to Refuse to Renew

Respondent's Illinois Physician and Surgeon License in violation of Section 60/22  
(A)(3) of the Illinois Medical Practice Act.

3. I have jurisdiction over the parties and subject matter herein pursuant to 20 ILCS  
2105/2105-15 and 225 ILCS 60/22.

It IS ORDERED that Zoya Kosman, M.D., Illinois Physician and Surgeon License No. 036-  
097367 SHALL NOT BE RENEWED as of the date of this ORDER

DATED THIS 28 DAY OF June, 2018.

**DEPARTMENT OF FINANCIAL AND  
PROFESSIONAL REGULATION of the State of Illinois  
DIVISION OF PROFESSIONAL REGULATION**



**Jessica Baer**  
**Director of the Division of Professional Regulation**

REF: License No. 036-097367/Case No. 2016-05486

**FILED**

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

APR 02 2018  
4-2-2018  
JUDGE ANDREA WOOD  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

ZOYA KOSMAN

No. 16 CR 403

Judge Andrea R. Wood

**PLEA AGREEMENT**

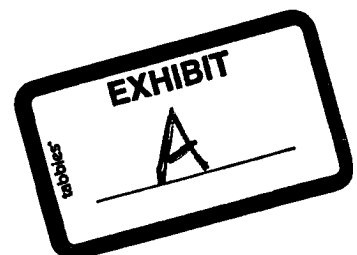
1. This Plea Agreement between the United States Attorney for the Northern District of Illinois, JOHN R. LAUSCH, JR., and defendant ZOYA KOSMAN, and her attorney, STEVEN SHANIN, is made pursuant to Rule 11 of the Federal Rules of Criminal Procedure. The parties to this Agreement have agreed upon the following:

**Charge in This Case**

2. The indictment in this case charges defendant with making and causing to be made a false statement and representation of material fact for use in determining the right to a federal benefit, in violation of Title 42, United States Code, Section 408(a)(3).

3. Defendant has read the charge against her contained in the indictment, and that charge has been fully explained to her by her attorney.

4. Defendant fully understands the nature and elements of the crime with which she has been charged.



**Charge to Which Defendant Is Pleading Guilty**

5. By this Plea Agreement, defendant agrees to enter a voluntary plea of guilty to the indictment, which charges defendant with making and causing to be made a false statement and representation of material fact for use in determining the right to a federal benefit, in violation of Title 42, United States Code, Section 408(a)(3).

**Factual Basis**

6. Defendant will plead guilty because she is in fact guilty of the charge contained in the indictment. In pleading guilty, defendant admits the following facts and that those facts establish her guilt beyond a reasonable doubt:

On or about July 31, 2012, in Skokie, in the Northern District of Illinois, Eastern Division, defendant did knowingly make and caused to be made a false statement and representation of material fact for use in determining the right to a federal benefit, namely, Claimant A's right to receive federal disability benefits, in that defendant was a physician and submitted and caused the submission of false medical and other evidence to the Illinois Department of Human Services in connection with Claimant A's application for federal disability benefits, listing reported patient complaints, symptoms, and functional abilities of Claimant A, when defendant knew that Claimant A did not report these complaints, symptoms, and functional abilities, in violation of Title 42, United States Code, Section 408(a)(3).

Specifically, the Social Security Act established a number of programs, including the Social Security Disability Insurance program, designed to provide for the material needs of disabled individuals and their families. Under the Social Security Act, disability was generally defined as the inability to engage in substantial gainful activity by reason of any medically determinable physical or mental impairment that had lasted, or could be expected to last, for a continuous period of not less than twelve months.

The Social Security Administration, an agency of the United States, administered the Social Security Disability Insurance program. The Social Security Administration delegated authority to the Illinois Department of Human Services to make determinations about the eligibility of Illinois residents to receive federal disability benefits. In making disability determinations, the Illinois Department of Human Services requested evidence from acceptable medical sources, including a disability claimant's treating physician, about the claimant's purported medical impairment and its effect on the claimant's ability to work on a sustained basis. If the Illinois Department of Human Services found that a treating physician's opinion about the nature and severity of a disability claimant's impairment was well-supported by medically acceptable evidence and not inconsistent with other substantial evidence in the claimant's record, the Illinois Department of Human Services would generally give that treating physician's opinion controlling weight.

Defendant was a physician who practiced in the field of psychology. Defendant was licensed to practice medicine in the State of Illinois and operated a medical office in Skokie, Illinois. Claimant A was an Illinois resident who, unbeknownst to defendant, was a cooperating source for law enforcement. Defendant agreed to help Claimant A obtain federal disability benefits, even though defendant knew that Claimant A was not disabled. In or around June 2012, an application for Social Security Disability Insurance benefits was submitted to the Social Security Administration on Claimant A's behalf. On or about July 31, 2012, in support of Claimant A's disability application, defendant submitted copies of medical progress notes purportedly documenting medical appointments with Claimant A to the Illinois Department of Human Services. Along with these medical progress notes, defendant also submitted a functional capacity report to the Illinois Department of Human Services, in which she attested that Claimant A "can't work at the present time due to severe depression, anxiety, worries, inability to tolerate stresses, poor concentration, inability to follow instructions, fatigue, and medical conditions." The medical progress notes and functional capacity report set forth statements and representations of material fact about Claimant A's reported complaints, symptoms, and functional abilities that defendant knew were false.

#### **Maximum Statutory Penalties**

7. Defendant understands that the charge to which she is pleading guilty carries the following statutory penalties:

a. A maximum sentence of 10 years' imprisonment. This offense also carries a maximum fine of \$250,000. Defendant further understands that the Court also may impose a term of supervised release of not more than three years.

b. In accordance with Title 18, United States Code, Section 3013, defendant will be assessed \$100 on the charge to which she has pled guilty, in addition to any other penalty imposed.

### **Sentencing Guidelines Calculations**

8. Defendant understands that in determining a sentence, the Court is obligated to calculate the applicable Sentencing Guidelines range, and to consider that range, possible departures under the Sentencing Guidelines, and other sentencing factors under 18 U.S.C. § 3553(a), which include: (i) the nature and circumstances of the offense and the history and characteristics of the defendant; (ii) the need for the sentence imposed to reflect the seriousness of the offense, promote respect for the law, and provide just punishment for the offense, afford adequate deterrence to criminal conduct, protect the public from further crimes of the defendant, and provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner; (iii) the kinds of sentences available; (iv) the need to avoid unwarranted sentencing disparities among defendants with similar records who have been found guilty of similar conduct; and (v) the need to provide restitution to any victim of the offense.

9. For purposes of calculating the Sentencing Guidelines, the parties agree on the following points, except as specified below:

a. **Applicable Guidelines.** The Sentencing Guidelines to be considered in this case are those in effect at the time of sentencing. The following statements regarding the calculation of the Sentencing Guidelines are based on the Guidelines Manual currently in effect, namely the November 2016 Guidelines Manual.

b. **Offense Level Calculations.**

i. The base offense level is six, pursuant to Guideline § 2B1.1(a)(2).

ii. It is the government's position that the offense level is increased by two levels, pursuant to Guideline § 3B1.3, because the defendant abused a position of public or private trust, or used a special skill, in a manner that significantly facilitated the commission or concealment of the offense. Defendant reserves the right to dispute this enhancement.

iii. If the Court determines at the time of sentencing that defendant has clearly demonstrated a recognition and affirmative acceptance of personal responsibility for her criminal conduct within the meaning of Guideline § 3E1.1(a), including by furnishing the United States Attorney's Office and the Probation Office with all requested financial information relevant to her ability to satisfy any fine that may be imposed in this case, a two-level reduction in the offense



level will be appropriate. The government reserves the right to take whatever position it deems appropriate at the time of sentencing with respect to whether defendant has accepted responsibility within the meaning of Guideline § 3E1.1(a).

c. **Criminal History Category.** With regard to determining defendant's criminal history points and criminal history category, based on the facts now known to the government, defendant's criminal history points equal zero, and defendant's criminal history category is I.

d. **Anticipated Advisory Sentencing Guidelines Range.** Therefore, based on the facts now known to the government, it is the government's position that if the Court determines defendant has not accepted responsibility, pursuant to Guideline Section 3E1.1(a), then the anticipated offense level is 8, which, when combined with the anticipated criminal history category of I, results in an anticipated advisory sentencing guidelines range of 0 to 6 months' imprisonment, in addition to any supervised release, fine, and restitution the Court may impose. If, however, the Court determines defendant has accepted responsibility, pursuant to Guideline Section 3E1.1(a), it is the government's position that the anticipated offense level is 6, which, when combined with the anticipated criminal history category of I, results in an anticipated advisory sentencing guidelines range of 0 to 6 months' imprisonment, in addition to any supervised release, fine, and restitution the Court may impose. Defendant reserves the right to dispute the sentencing guidelines range.

e. Defendant and her attorney and the government acknowledge that the above guidelines calculations are preliminary in nature, and are non-binding predictions upon which neither party is entitled to rely. Defendant understands that further review of the facts or applicable legal principles may lead the government to conclude that different or additional guidelines provisions apply in this case. Defendant understands that the Probation Office will conduct its own investigation and that the Court ultimately determines the facts and law relevant to sentencing, and that the Court's determinations govern the final guideline calculation. Accordingly, the validity of this Agreement is not contingent upon the probation officer's or the Court's concurrence with the above calculations, and defendant shall not have a right to withdraw her plea on the basis of the Court's rejection of these calculations.

10. Both parties expressly acknowledge that this Agreement is not governed by Fed. R. Crim. P. 11(c)(1)(B), and that errors in applying or interpreting any of the sentencing guidelines may be corrected by either party prior to sentencing. The parties may correct these errors either by stipulation or by a statement to the Probation Office or the Court, setting forth the disagreement regarding the applicable provisions of the guidelines. The validity of this Agreement will not be affected by such corrections, and defendant shall not have a right to withdraw her plea, nor the government the right to vacate this Agreement, on the basis of such corrections.

### **Agreements Relating to Sentencing**

11. Each party is free to recommend whatever sentence it deems appropriate.

12. It is understood by the parties that the sentencing judge is neither a party to nor bound by this Agreement and may impose a sentence up to the maximum penalties as set forth above. Defendant further acknowledges that if the Court does not accept the sentencing recommendation of the parties, defendant will have no right to withdraw her guilty plea.

13. Defendant agrees to pay the special assessment of \$100 at the time of sentencing with a cashier's check or money order payable to the Clerk of the U.S. District Court.

### **Acknowledgments and Waivers Regarding Plea of Guilty**

#### **Nature of Agreement**

14. This Agreement is entirely voluntary and represents the entire agreement between the United States Attorney and defendant regarding defendant's criminal liability in case 16 CR 403.

15. This Agreement concerns criminal liability only. Except as expressly set forth in this Agreement, nothing herein shall constitute a limitation, waiver, or release by the United States or any of its agencies of any administrative or judicial civil claim, demand, or cause of action it may have against defendant or any other person or entity. The obligations of this Agreement are limited to the United States

Attorney's Office for the Northern District of Illinois and cannot bind any other federal, state, or local prosecuting, administrative, or regulatory authorities, except as expressly set forth in this Agreement.

### **Waiver of Rights**

16. Defendant understands that by pleading guilty she surrenders certain rights, including the following:

a. **Trial rights.** Defendant has the right to persist in a plea of not guilty to the charge against her, and if she does, she would have the right to a public and speedy trial.

i. The trial could be either a jury trial or a trial by the judge sitting without a jury. However, in order that the trial be conducted by the judge sitting without a jury, defendant, the government, and the judge all must agree that the trial be conducted by the judge without a jury.

ii. If the trial is a jury trial, the jury would be composed of twelve citizens from the district, selected at random. Defendant and her attorney would participate in choosing the jury by requesting that the Court remove prospective jurors for cause where actual bias or other disqualification is shown, or by removing prospective jurors without cause by exercising peremptory challenges.

iii. If the trial is a jury trial, the jury would be instructed that defendant is presumed innocent, that the government has the burden of proving defendant guilty beyond a reasonable doubt, and that the jury could not convict her

unless, after hearing all the evidence, it was persuaded of her guilt beyond a reasonable doubt. The jury would have to agree unanimously before it could return a verdict of guilty or not guilty.

iv. If the trial is held by the judge without a jury, the judge would find the facts and determine, after hearing all the evidence, whether or not the judge was persuaded that the government had established defendant's guilt beyond a reasonable doubt.

v. At a trial, whether by a jury or a judge, the government would be required to present its witnesses and other evidence against defendant. Defendant would be able to confront those government witnesses and her attorney would be able to cross-examine them.

vi. At a trial, defendant could present witnesses and other evidence in her own behalf. If the witnesses for defendant would not appear voluntarily, she could require their attendance through the subpoena power of the Court. A defendant is not required to present any evidence.

vii. At a trial, defendant would have a privilege against self-incrimination so that she could decline to testify, and no inference of guilt could be drawn from her refusal to testify. If defendant desired to do so, she could testify in her own behalf.

b. **Appellate rights.** Defendant further understands she is waiving all appellate issues that might have been available if she had exercised her right to

trial, and may only appeal the validity of this plea of guilty and the sentence imposed. Defendant understands that any appeal must be filed within 14 calendar days of the entry of the judgment of conviction.

17. Defendant understands that by pleading guilty she is waiving all the rights set forth in the prior paragraphs, with the exception of the appellate rights specifically preserved above. Defendant's attorney has explained those rights to her, and the consequences of her waiver of those rights.

**Presentence Investigation Report/Post-Sentence Supervision**

18. Defendant understands that the United States Attorney's Office in its submission to the Probation Office as part of the Pre-Sentence Report and at sentencing shall fully apprise the District Court and the Probation Office of the nature, scope, and extent of defendant's conduct regarding the charge against her, and related matters. The government will make known all matters in aggravation and mitigation relevant to sentencing.

19. Defendant agrees to truthfully and completely execute a Financial Statement (with supporting documentation) prior to sentencing, to be provided to and shared among the Court, the Probation Office, and the United States Attorney's Office regarding all details of her financial circumstances, including her recent income tax returns as specified by the probation officer. Defendant understands that providing false or incomplete information, or refusing to provide this information, may be used as a basis for denial of a reduction for acceptance of responsibility

pursuant to Guideline § 3E1.1 and enhancement of her sentence for obstruction of justice under Guideline § 3C1.1, and may be prosecuted as a violation of Title 18, United States Code, Section 1001, or as a contempt of the Court.

20. For the purpose of monitoring defendant's compliance with her obligations to pay a fine during any term of supervised release or probation to which defendant is sentenced, defendant further consents to the disclosure by the IRS to the Probation Office and the United States Attorney's Office of defendant's individual income tax returns (together with extensions, correspondence, and other tax information) filed subsequent to defendant's sentencing, to and including the final year of any period of supervised release or probation to which defendant is sentenced. Defendant also agrees that a certified copy of this Agreement shall be sufficient evidence of defendant's request to the IRS to disclose the returns and return information, as provided for in Title 26, United States Code, Section 6103(b).

#### **Other Terms**

21. Defendant agrees to cooperate with the United States Attorney's Office in collecting any unpaid fine for which defendant is liable, including providing financial statements and supporting records as requested by the United States Attorney's Office.

22. Defendant understands that, if convicted, a defendant who is not a United States citizen may be removed from the United States, denied citizenship, and denied admission to the United States in the future.

**Conclusion**

23. Defendant understands that this Agreement will be filed with the Court, will become a matter of public record, and may be disclosed to any person.

24. Defendant understands that her compliance with each part of this Agreement extends throughout the period of her sentence, and failure to abide by any term of the Agreement is a violation of the Agreement. Defendant further understands that in the event she violates this Agreement, the government, at its option, may move to vacate the Agreement, rendering it null and void, and thereafter prosecute defendant not subject to any of the limits set forth in this Agreement, or may move to resentence defendant or require defendant's specific performance of this Agreement. Defendant understands and agrees that in the event that the Court permits defendant to withdraw from this Agreement, or defendant breaches any of its terms and the government elects to void the Agreement and prosecute defendant, any prosecutions that are not time-barred by the applicable statute of limitations on the date of the signing of this Agreement may be commenced against defendant in accordance with this paragraph, notwithstanding the expiration of the statute of limitations between the signing of this Agreement and the commencement of such prosecutions.


25. Should the judge refuse to accept defendant's plea of guilty, this Agreement shall become null and void and neither party will be bound to it.




26. Defendant and her attorney acknowledge that no threats, promises, or representations have been made, nor agreements reached, other than those set forth in this Agreement, to cause defendant to plead guilty.


27. Defendant acknowledges that she has read this Agreement and carefully reviewed each provision with her attorney. Defendant further acknowledges that she understands and voluntarily accepts each and every term and condition of this Agreement.

AGREED THIS DATE: April 2, 2018

  
JOHN R. LAUSCH, JR.  
United States Attorney

  
JARED C. JODREY  
Special Assistant U.S. Attorney

  
ZOYA KOSMAN  
Defendant

  
STEVEN SHANIN  
Attorney for Defendant

**STATE OF ILLINOIS  
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION  
DIVISION OF PROFESSIONAL REGULATION**

DEPARTMENT OF FINANCIAL AND PROFESSIONAL ) REGULATION of the State of Illinois, Complainant )	
v. )	No. 2016-05486
Zoya Kosman, M.D. )	
License No. 036-097367,                      Respondent )	

**Notice of Intent to Refuse to Renew**

To: ZOYA KOSMAN, M.D.

SINCE November 2017, Respondent's Illinois Physician and Surgeon License has been on placed on inactive status. The Department has jurisdiction to investigate complaints and to bring this action pursuant to Illinois Medical Practice Act.

BE NOTIFIED THAT the Department has determined that your license to practice as a Physician and Surgeon in the State of Illinois may be placed on Refuse to Renew status or otherwise disciplined due the following:


(i) On April 2, 2018, Respondent plead guilty of violation of 42 U.S.C. Section 408(3) (making and causing to be made a false statement and representation of material fact for use in determining the right to a federal benefit) in the Criminal Case No. 16 CR 403 in the United States District Court, Northern District of Illinois, Eastern Division, in violation of Section 60/22 (A)(3) of the Illinois Medical Practice Act. See Department Exhibit A, attached hereto and made a part of this Notice.

YOU ARE FURTHER NOTIFIED that you have the right to request a hearing to address the aforementioned alleged violations of Illinois Medical Practice Act that may result in your Illinois Physician and Surgeon License No. 036-097367 be placed in Refuse to Renew status or otherwise be disciplined.

YOU SHALL HAVE 30 days from the date this notice is mailed to make a written request for a hearing. Failure to request a hearing within 30 days will result in the entry of the Order of Refusal to Renew your Illinois Physician and Surgeon License No. 036-097367. Your request for a hearing should be directed to the Clerk of the Court, Illinois Department of Financial and Professional Regulation, Division of Professional Regulation, 100 W. Randolph St., Suite 9-300, Chicago, IL 60601.

**DEPARTMENT OF FINANCIAL AND  
PROFESSIONAL REGULATION of the State of  
Illinois, Division of Professional Regulation**


BY:

  
Frank Lamas  
Chief of Medical Prosecutions

Vladimir Lozovskiy  
Staff Attorney, Medical Prosecutions Unit  
Department of Financial and Professional Regulation  
Division of Professional Regulation  
100 West Randolph, 9-300  
Chicago, Illinois 60601  
312/814-1691

STATE OF ILLINOIS     )  
                                      )     ss: 2016-05486  
COUNTY OF COOK     )

UNDER PENALTIES, as provide by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that I caused the attached NOTICE OF INTENT TO REFUSE TO RENEW to be mailed to Respondent by regular mail to her last known address with the Department on the 19<sup>th</sup> day of April 2018

  
Affiant

STATE OF ILLINOIS  
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION  
DIVISION OF PROFESSIONAL REGULATION

DIVISION OF PROFESSIONAL REGULATION OF	)	
THE ILLINOIS DEPARTMENT OF FINANCIAL	)	
AND PROFESSIONAL REGULATION,	)	Complainant
	)	
v.	)	Case No. 201605486
	)	
ZOYA KOSMAN MD,	)	Respondent.

**NOTICE**

TO: ZOYA KOSMAN MD

Please take notice that the Director of the Division of Professional Regulation signed the attached Order which is a final administrative decision.

You have a right to judicial review of all final administrative decisions of this Department, pursuant to the provisions of the Code of Civil Procedure, Administrative Review Law ("Law"), 735 ILCS 5/3-103, and the rules adopted pursuant to the Law. Any action filed pursuant to the Law shall name the following parties as Defendants at the specified address: Illinois Department of Financial and Professional Regulation and Jessica A. Baer as Director of the Division of Professional Regulation, 100 West Randolph Street, 9<sup>th</sup> Floor, Chicago, Illinois 60601.

The Order of the Director of the Division of Professional Regulation will be implemented as of the date the Order was signed unless otherwise stated.

ILLINOIS DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION  
SECRETARY BRYAN A. SCHNEIDER

Clerk Traci Ondrey  
Division of Professional Regulation

*For all non-PERC license matters, please direct inquiries to:*  
Division of Professional Regulation  
100 West Randolph Street 9<sup>th</sup> Floor  
Chicago, IL 60601  
312-814-4504

*For all PERC matters, please direct inquiries to:*  
Enforcement Administration Unit  
320 W. Washington St. 2<sup>nd</sup> Floor  
Springfield, IL 62702  
217-557-9198  
[FPR.DPREAU@illinois.gov](mailto:FPR.DPREAU@illinois.gov)

STATE OF ILLINOIS            )  
  )  
COUNTY OF SANGAMON        )       ss:

Under penalties, as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that I caused the attached document to be emailed/sent via regular mail pursuant to Department of Professional Regulation Law, 20 ILCS 2105/2015-7, before 5:00 pm CST on the 6th day of July 2018, to person(s) at the address (es) listed on the attached documents.

A large black rectangular box redacting the signature of the affiant.

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AFFIANT