

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

FILED
05 DEC -7 PM 12: 14

UNITED STATES OF AMERICA

V.

DR. MARK S. WEINBERGER, dba
MERRILLVILLE CENTER FOR ADVANCED
SURGERY, LLC and NOSE AND SINUS
CENTERS, LLC.

CAUSE NO.

2:06 CR 230 PS

18 U.S.C. SEC. 1347

INDICTMENT

THE GRAND JURY CHARGES:

COUNTS 1 THROUGH 22

SCHEME TO COMMIT HEALTH CARE FRAUD

At all times relevant to this indictment:

1. **DR. MARK S. WEINBERGER**, a physician licensed in the State of Indiana dba **NOSE AND SINUS CENTERS, LLC.** and specializing in the treatment of ear, nose and throat diseases, operated the **MERRILLVILLE CENTER FOR ADVANCED SURGERY LLC.**, a surgery center concentrating on ear, nose and throat related surgeries, including endoscopic sinus surgeries, located in Merrillville, Indiana.

2. At all times relevant to this indictment, patients would receive a CT scan or X-ray prior to **DR. MARK S. WEINBERGER** performing endoscopic sinus surgery.

3. At all times relevant to this indictment **DR. MARK S. WEINBERGER** placed patients receiving endoscopic sinus surgery under general anaesthesia.

4. At all times relevant to this indictment patients paid for their treatment by **DR.**

MARK S. WEINBERGER, including endoscopic sinus surgeries, through private health benefit programs.

5. At all times relevant to this indictment **DR. MARK S. WEINBERGER** caused private health benefit programs to be billed for endoscopic sinus surgeries he allegedly performed on their members.

6. Among the related procedures **DR. MARK S. WEINBERGER** allegedly performed during endoscopic sinus surgery were: ethmoidectomy - the removal of the walls of bone and mucosal lining of the nose; sphenoidotomy - the widening of the drainage pathway of the sphenoid sinus by removing a portion of the anterior face of the sphenoid; septoplasty - the straightening of the septum by raising a mucosal flap and making changes to the underlying cartilage and/or bone; and maxillary antrostomy - the widening of the drainage pathway of the maxillary sinus.

MANNER AND MEANS BY WHICH THE SCHEME OPERATED

7. It was part of the scheme to defraud private health benefit programs that **DR. MARK S. WEINBERGER**, from January 7, 2003 through August 26, 2004, would inflate bills and/or cause inflated bills to be submitted to private health benefit programs for endoscopic sinus surgeries he allegedly performed on their members. Specifically, **DR. MARK S. WEINBERGER** would bill private health benefit programs for procedures allegedly performed during endoscopic sinus surgeries, costing anywhere between \$2,600.00 and \$16,740.00 that were not in fact performed on various private health benefit members.

FRAUDULENT ACTS

8. On or about the dates listed below, in the Northern District of Indiana and elsewhere,

**DR. MARK S. WEINBERGER, dba MERRILLVILLE CENTER
FOR ADVANCED SURGERY, LLC. AND NOSE AND SINUS
CENTERS, LLC.**

defendant herein, did knowingly and intentionally obtain by means of false and fraudulent pretenses and representations, money from private health benefit programs in connection with claimed surgical procedures that were not in fact performed, in violation of Title 18, United States Code, Section 1347.

<u>Count</u>	<u>Patient</u>	<u>Date</u>	<u>Procedures not performed</u>	<u>Amount of fraudulent claim</u>
1	Glenda B.	10/10/03	ethmoidectomy Sphenoidotomy maxillary antrostomy	\$5,400.00 \$3,200.00 \$3,600.00
2	Susan B.	1/16/03	ethmoidectomy Sphenoidotomy	\$11,460.00 \$6,600.00
3	William B.	1/15/04	ethmoidectomy Sphenoidotomy	\$10,800.00 \$9,800.00
4	Jennifer B.	9/12/03	ethmoidectomy Sphenoidotomy	\$5,400.00 \$3,200.00
5	Gary B.	5/9/03	ethmoidectomy Sphenoidotomy Septoplasty	\$16,740.00 \$11,600.00 \$7,600.00
6	Geraine C.	8/26/04	ethmoidectomy Sphenoidotomy Maxillary antrostomy	\$10,800.00 \$6,600.00 \$7,000.00
7	Elizabeth D.	6/26/04	ethmoidectomy Sphenoidotomy	\$5,400.00 \$3,200.00
8	Kimberly D	11/22/03	ethmoidectomy Sphenoidotomy	\$5,400.00 \$3,200.00
9	Stephanie F.	2/7/04	ethmoidectomy Sphenoidotomy Septoplasty	\$10,800.00 \$6,600.00 \$5,100.00
10	Marilyn G.	11/22/03	ethmoidectomy Sphenoidotomy Septoplasty	\$10,800.00 \$6,600.00 \$5,100.00

11	Jacqueline G.	12/26/03	ethmoidectomy Sphenoidotomy Septoplasty	\$5,400.00 \$3,200.00 \$2,600.00
12	Vicki G.	11/13/03	ethmoidectomy Sphenoidotomy Septoplasty	\$5,400.00 \$3,200.00 \$2,600.00
13	Kathy H.	7/15/04	ethmoidectomy Sphenoidotomy	\$5,400.00 \$3,200.00
14	Phillip L.	3/27/04	ethmoidectomy Sphenoidotomy Septoplasty	\$5,400.00 \$3,200.00 \$2,600.00
15	Kevin L.	1/17/03	ethmoidectomy Sphenoidotomy Septoplasty	\$5,400.00 \$3,200.00 \$2,600.00
16	Troyanne L.	6/5/04	ethmoidectomy Sphenoidotomy	\$10,800.00 \$5,000.00
17	Marjorie M.	5/8/04	ethmoidectomy Sphenoidotomy Septoplasty	\$10,800.00 \$6,600.00 \$5,100.00
18	Bobby M.	2/25/03	ethmoidectomy Sphenoidotomy Septoplasty	\$6,600.00 \$3,200.00 \$2,600.00
19	Maria Irma O.	9/6/03	ethmoidectomy Sphenoidotomy	\$11,880.00 \$9,800.00
20	Jon R.	5/31/03	ethmoidectomy Sphenoidotomy	\$5,400.00 \$3,200.00
21	Brandon R.	8/9/03	ethmoidectomy Sphenoidotomy Septoplasty Right maxillary antrostomy	\$11,220.00 \$6,600.00 \$5,100.00 \$3,500.00
22	Lashon S.	12/12/03	ethmoidectomy Sphenoidotomy	\$10,800.00 \$6,400.00

A TRUE BILL:

/S/ FOREPERSON
FOREPERSON

Joseph S. Van Bokkelen
United States Attorney

By: S/ DIANE L. BERKOWITZ
Diane L. Berkowitz
Assistant U.S. Attorney