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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

THE UNITED STATES OF AMERICA,

Plaintiff,

v.

VIJAY PATEL and MOBILE
DIAGNOSTIC TESING OF NJ, LLC,

Defendants.

COMPLAINT AND DEMAND FOR JULY TRIAL

Plaintiff, the United States of America (“United States”), alleges for its Complaint as follows:

NATURE OF THIS ACTION

1. This action against Vijay Patel (“Patel”) and Mobile Diagnostic Testing of NJ, LLC (“Mobile Diagnostic”) is based on false or fraudulent claims for payment or approval that defendants knowingly presented or caused to be presented to Medicare.
2. Defendants submitted, or caused to be submitted, claims for diagnostic testing services performed by someone else: a cardiologist (hereinafter referred to as “Doctor #1”) who

was a participant in the Medicare program and under the program's pre-payment review due to his improper billing practices and suspected fraud.

3. Patel admitted to this conduct in a criminal plea. Specifically, Patel admitted that during the period from November 2009 to October 2012, he knowingly caused false claims to be submitted to Medicare for services that Doctor #1 had performed.

4. Claims submitted by a physician on pre-payment review are strictly scrutinized by Medicare before a payment is made. This process significantly delays payment and could potentially result in the Medicare contractor rejecting claims that are not supported by proper medical and other documentation.

5. To circumvent pre-payment review, Patel and Doctor #1 devised a fraudulent scheme whereby Patel agreed to submit Doctor #1's claims to Medicare through his company, Mobile Diagnostic, and his brother's company, Biosound Medical Services, Inc. ("Biosound"), in exchange for money. Patel would receive Medicare payments either directly from Medicare or from Biosound, give a portion of the money to Doctor #1, and retain a substantial portion for himself. But for this scheme — which was effectively an end-run around Medicare's pre-payment review — Doctor #1's claims would have been closely scrutinized and possibly denied.

6. This fraudulent scheme resulted in defendants' receipt of payments from federal health care programs to which they were not entitled.

7. By billing Medicare for services they did not provide and keeping the reimbursement money, Defendants defrauded Medicare, were unjustly enriched, and were paid by mistake, and they should be required to disgorge their illegal profits.

8. The United States brings this action against defendants Patel and Mobile Diagnostic to recover treble damages and civil penalties under the False Claims Act, 31 U.S.C.

§§ 3729-33, and to recover damages and other monetary relief under the common law or equitable theories of fraud, payment under mistake of fact, unjust enrichment, and disgorgement of illegal profits.

JURISDICTION AND VENUE

9. This action arises under the False Claims Act, as amended, 31 U.S.C. §§ 3729-33, and under common law or equitable theories of fraud, payment under mistake of fact, unjust enrichment and disgorgement of illegal profits. This Court has jurisdiction over this action under 31 U.S.C. §§ 3730(a) and 3732(a) and 28 U.S.C. §§ 1331 and 1345.

10. This Court has personal jurisdiction over defendant Patel because he resides in and transacted business in this District and engaged in wrongdoing in this District.

11. This Court has personal jurisdiction over defendant Mobile Diagnostic because its principal place of business is located in this District and it engaged in wrongdoing in this District.

12. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) and (c) and 31 U.S.C. § 3732 because each defendant resided in or transacted business in this District and engaged in wrongdoing in this District.

THE PARTIES

13. Plaintiff United States brings this action on behalf of its Department of Health and Human Services (“HHS”) and the Centers for Medicare and Medicaid Services (“CMS”), a division of HHS that directly administers the Medicare and Medicaid programs.

14. During all relevant times, defendant Patel resided in Parsippany, New Jersey, and during all relevant periods owned and operated defendant Mobile Diagnostic, a diagnostic testing facility.