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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

UNITED STATES OF AMERICA,

Plaintiff,

v.

HARVEY BIGELSEN
RAYMOND ROSALES,

Defendants.

NO. *CR 92-474*
~~DI 92-474~~ PHX
INDICTMENT

VIO: 18 U.S.C. § 286
(Conspiracy to Defraud
the United States With
Respect to Claims)
Count 1
Bigelsen Only

VIO: 18 U.S.C. § 287
(False, Fictitious, or
Fraudulent Claims)
Counts 2-64
Bigelsen Only

VIO: 18 U.S.C. § 1341
(Mail Fraud)
Counts 65-108
Bigelsen Only

VIO: 18 U.S.C. § 371
(Conspiracy to Commit
Offense Against the
United States)
Count 109
Bigelsen and Rosales

VIO: 18 U.S.C. § 1505
(Obstruction of
Proceedings Before
Departments, Agencies
and Committees)
Counts 110-117
Bigelsen and Rosales

THE GRAND JURY CHARGES:

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COUNT ONE

INTRODUCTION

At all times material to this indictment:

A. PREAMBLE

1. The Medicare Program was enacted by Congress on July 30, 1965 under Title XVIII of the Social Security Act. The Medicare Program provides for basic insurance coverage for in-patient (Part A) and out-patient (Part B) medical services and durable medical equipment provided to individuals age 65 and over as well as to certain persons entitled to Social Security benefits because of disability.

2. The Medicare Part B Program, which covers doctors services, out-patient hospital services, and a number of other medical services and supplies, was administered in the State of Arizona by Aetna Life Insurance Company, Phoenix, Arizona, which, pursuant to a contract with the United States Department of Health and Human Services (HHS), served as a Medicare carrier to approve and pay claims filed by providers of medical services and equipment.

3. Reimbursements under the Medicare Part B Program could only be made on the basis of reasonable charges for covered services.

1 (No. 068328942), and was thus eligible to receive Medicare
2 payments whenever he provided a covered service to a Medicare
3 patient.

4 C. CONSPIRACY AND OBJECTS OF THE CONSPIRACY

5 6. Commencing on or about March, 1989, and continuing up
6 to and including the date of this Indictment, the exact dates
7 being unknown to the Grand Jury, in the District of Arizona,
8 defendant HARVEY BIGELSEN, and other persons known and unknown
9 to the Grand Jury, knowingly and wilfully agreed, combined and
10 conspired to defraud the United States and HHS by obtaining and
11 aiding to obtain the payment and allowance of false, fictitious
12 and fraudulent claims in the manner and means as follows:

13 D. MEANS OF CONSPIRACY

14 7. Among the means that defendant would and did devise and
15 use in carrying out the conspiracy to defraud, were the
16 following:

17 a. Defendant would and did solicit, or directed others
18 to solicit, Medicare patients to sign an authorization for
19 defendant BIGELSEN to receive payment directly from the Medicare
20 insurance carrier for services furnished to the patient by
21 defendant BIGELSEN and various other practitioners.

22 b. Defendant would and did complete or direct that
23 Medicare claim forms be completed on behalf of the Medicare
24

1 beneficiaries and sent to the Medicare carrier, Aetna Life
2 Insurance Company, Phoenix, Arizona, for reimbursement.

3 c. Defendant would and did indicate or caused others to
4 indicate on certain Medicare claims forms, falsely and
5 fraudulently, that colonic therapy administered by two
6 practitioners (Greg Waters and Shirley Jones) were for "physical
7 medicine" (as set forth in the Current Procedural Terminology
8 [CPT] Manual and Medicare Rules and Regulations), when in truth
9 and in fact, as the defendant then and there well knew, that
10 colonic therapy was not covered by Medicare. Defendant would
11 and did submit or caused to be submitted false and fraudulent
12 claims of this type for Medicare reimbursement to Aetna Life
13 Insurance Company, Phoenix, Arizona.

14 d. Defendant would and did indicate or caused others to
15 indicate on certain claims forms, falsely and fraudulently, that
16 certain chiropractic services (including acupuncture)
17 administered by two practitioners (Thadeous Hedges and Susanne
18 Davis), were for physical medicine and/or an office visit to
19 Dr. Bigelsen, when in truth and in fact, as the defendant then
20 and there well knew, that acupuncture services and chiropractic
21 office visits are not covered by Medicare. Defendant would and
22 did submit or caused to be submitted false and fraudulent claims
23 of this type for Medicare reimbursement to Aetna Life Insurance
24 Company, Phoenix, Arizona.

1 e. Defendant would and did indicate or caused others to
2 indicate on certain claim forms, falsely and fraudulently, that
3 massage therapy as administered by Don Laman, as an unsupervised
4 contractor and unlicensed massage therapist, were for physical
5 medicine, when in truth and in fact, as the defendant then and
6 there well knew, was a service that Medicare specifically did
7 not cover as provided. Defendant would and did submit or caused
8 to be submitted false and fraudulent claims of this type for
9 Medicare reimbursement to Aetna Life Insurance Company, Phoenix,
10 Arizona.

11 f. All such services, regardless of who actually
12 provided the service, were billed under Bigelsen's provider
13 number (No. 068328942).

14 g. By submitting these false, fictitious and fraudulent
15 claims, defendant would and did cause Medicare Part B Program
16 payment checks to be mailed by Aetna Life Insurance Company,
17 Phoenix, Arizona, as Medicare carrier for HHS, to defendant
18 BIGELSEN as payment for such services, when the requested
19 reimbursement were for services not covered under Medicare and
20 to which the defendant was not entitled to any reimbursement.

21 **E. OVERT ACTS**

22 The defendant and others did commit the following overt
23 acts within the District of Arizona and elsewhere, including but
24 not limited to, the following:

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<u>Overt</u>	<u>Act</u>	<u>Date</u>	<u>Patient</u>	<u>Treatment/Fraudulent Billing</u>	<u>Amount</u>
	1	4/12/89	Grace Gaines	Massage by Non Covered Therapist Billed by Bigelsen Under Physical Medicine Codes	\$55.00
	2	4/14/89	Grace Gaines	Massage by Non Covered Therapist Billed by Bigelsen Under Physical Medicine Codes	55.00
	3	4/17/89	Gertrude Hill	Chiropractic Services and Acupuncture Billed by Bigelsen as an Office Visit	45.00
	4	4/19/89	Gertrude Hill	Chiropractic Services and Acupuncture Billed by Bigelsen as an Office Visit	45.00
	5	4/24/89	Grace Gaines	Massage by Non Covered Therapist Billed by Bigelsen Under Physical Medicine Codes	55.00
	6	4/24/89	Gertrude Hill	Chiropractic Services and Acupuncture Billed by Bigelsen as an Office Visit	45.00
	7	4/26/89	Gertrude Hill	Chiropractic Services and Acupuncture Billed by Bigelsen as an Office Visit	45.00
	8	10/23/89	Marjorie Brown	Colonic Therapy Billed by Bigelsen Under Physical Medicine Codes	45.00
	9	10/27/89	Marjorie Brown	Colonic Therapy Billed by Bigelsen Under Physical Medicine Codes	45.00

1	10	11/2/89	Marjorie Brown	Colonic Therapy Billed by Bigelsen Under Physical Medicine Codes	45.00
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3	11	12/28/89	Georgia Postal	Chiropractic Services Billed by Bigelsen as an Office Visit; Massage by Non Covered Therapist Billed by Bigelsen Under Physical Medicine Codes	100.00
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7	12	1/30/90	Bea Harcourt	Massage by Non Covered Therapist Billed by Bigelsen Under Physical Medicine Codes	55.00
8					
9	13	2/1/90	Georgia Postel	Chiropractic Services and Acupuncture Billed By Bigelsen Under Physical Medicine Codes	40.00
10					
11					
12	14	2/12/90	Lois Vesely	Chiropractic Services and Acupuncture Billed By Bigelsen Under Physical Medicine and Office Visit Codes	75.00
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15	15	2/12/90	Sylvia Whynot	Massage by Non Covered Therapist Billed by Bigelsen Under Physical Medicine Codes; Colonic Therapy Billed by Bigelsen Under Physical Medicine Codes	95.00
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19	16	2/15/90	Georgia Postel	Chiropractic Services and Acupuncture Billed By Bigelsen Under Physical Medicine Codes	35.00
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21	17	2/19/90	Lois Vesely	Chiropractic Services and Acupuncture Billed by Bigelsen Under Physical Medicine Codes	55.00
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1	18	2/19/90	Lillian Lambert	Chiropractic Services and Acupuncture Billed By Bigelsen Under Physical Medicine Codes	55.00
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3	19	2/22/90	Lillian Lambert	Chiropractic Services and Acupuncture Billed By Bigelsen Under Physical Medicine Codes	55.00
4					
5					
6	20	2/26/90	Lois Vesely	Chiropractic Services and Acupuncture Billed by Bigelsen Under Physical Medicine Codes	55.00
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8					
9	21	3/12/90	Joseph Simantz	Chiropractic Services and Acupuncture Billed by Bigelsen Under Physical Medicine Codes	70.00
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11	22	3/15/90	Lillian Lambert	Chiropractic Services and Acupuncture Billed By Bigelsen Under Physical Medicine Codes	55.00
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14	23	3/20/90	Lois Vesely	Chiropractic Services and Acupuncture Billed by Bigelsen Under Physical Medicine Codes	70.00
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16	24	3/23/90	Lisa Games	Massage by Non Covered Therapist Billed by Bigelsen Under Physical Medicine Codes	60.00
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19	25	3/30/90	Lisa Games	Massage by Non Covered Therapist Billed by Bigelsen Under Physical Medicine Codes	60.00
20					
21	26	5/14/90	Gene Troy	Chiropractic Services, Acupuncture and Massage Billed By Bigelsen Under Physical Medicine and Office Visit Codes	140.00
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1	27	5/18/90	Jon Marshall	Chiropractic Services and Acupuncture Billed by Bigelsen Under Physical Medicine Codes	55.00
2					
3	28	5/21/90	Gene Troy	Chiropractic Services and Acupuncture Billed By Bigelsen Under Physical Medicine Codes	55.00
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6	29	5/23/90	Lisa Games	Massage by Non Covered Therapist Billed by Bigelsen Under Physical Medicine Codes	60.00
7					
8					
9	30	5/25/90	Gene Troy	Chiropractic Services Billed By Bigelsen Under Physical Medicine Codes	55.00
10					
11	31	6/4/90	Jon Marshall	Chiropractic Services and Acupuncture Billed by Bigelsen Under Physical Medicine Codes	55.00
12					
13	32	6/8/90	Paul Chester	Colonic Therapy Billed by Bigelsen Under Physical Medicine Codes	45.00
14					
15	33	6/9/90	Paul Chester	Colonic Therapy Billed by Bigelsen Under Physical Medicine Codes	50.00
16					
17	34	6/11/90	Jon Marshall	Chiropractic Services and Acupuncture Billed by Bigelsen Under Physical Medicine Codes	55.00
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20	35	6/28/90	Vincent Kane	Massage by Non Covered Therapist Billed by Bigelsen Under Physical Medicine Codes	60.00
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22	36	6/28/90	Vincent Kane	Colonic Therapy Billed by Bigelsen Under Physical Medicine Codes	45.00
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1	37	6/28/90	Vincent Kane	Chiropractic Services and Acupuncture Billed By Bigelsen Under Physical Medicine Codes	55.00
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4	38	6/29/90	Vincent Kane	Massage by Non Covered Therapist Billed by Bigelsen Under Physical Medicine Codes	60.00
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6	39	6/29/90	Vincent Kane	Colonic Therapy Billed by Bigelsen Under Physical Medicine Codes	45.00
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8	40	6/29/90	Vincent Kane	Chiropractic Services and Acupuncture Billed By Bigelsen Under Physical Medicine Codes	55.00
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11	41	7/2/90	Vincent Kane	Massage by Non Covered Therapist Billed by Bigelsen Under Physical Medicine Codes	60.00
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13	42	7/2/90	Vincent Kane	Colonic Therapy Billed by Bigelsen Under Physical Medicine Codes	45.00
14					
15	43	7/2/90	Vincent Kane	Chiropractic Services and Acupuncture Billed By Bigelsen Under Physical Medicine Codes	55.00
16					
17					
18	44	7/3/90	Anna H. Cole	Colonic Therapy Billed by Bigelsen Under Physical Medicine Codes	45.00
19					
20	45	7/5/90	Joseph Simantz	Chiropractic Services and Acupuncture Billed by Bigelsen Under Physical Medicine and Office Visit Codes	50.00
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23	46	7/5/90	Judy Owens	Massage by Non Covered Therapist Billed by Bigelsen Under Physical Medicine Codes	60.00
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1	47	7/6/90	Judy Owens	Chiropractic Services Billed By Bigelsen Under Physical Medicine Codes	80.00
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3	48	7/10/90	Anna H. Cole	Colonic Therapy Billed by Bigelsen Under Physical Medicine Codes	45.00
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5	49	8/3/90	Joseph Simantz	Chiropractic Services and Acupuncture Billed by Bigelsen Under Physical Medicine and Office Visit Codes	95.00
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8	50	8/15/90	Henry Cookerboo	Colonic Therapy Billed by Bigelsen Under Physical Medicine Codes	45.00
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10	51	8/21/90	Henry Cookerboo	Colonic Therapy Billed by Bigelsen Under Physical Medicine Codes	45.00
11					
12	52	8/30/90	Anna H. Cole	Chiropractic Services and Acupuncture Billed by Bigelsen Under an Office Visit Code; Massage by Non Covered Therapist Billed by Bigelsen Under Physical Medicine Codes	115.00
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16	53	9/7/90	Charlene Hobbs	Chiropractic Services and Acupuncture Billed By Bigelsen Under an Office Visit Code; Massage by Non Covered Therapist Billed by Bigelsen Under Physical Medicine Codes	90.00
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20	54	9/10/90	Charlene Hobbs	Colonic Therapy Billed by Bigelsen Under Physical Medicine Codes	45.00
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22	55	9/11/90	Judy Owens	Massage by Non Covered Therapist Billed by Bigelsen Under Physical Medicine Codes	60.00
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1	56	9/17/90	Charlene Hobbs	Colonic Therapy Billed by Bigelsen Under Physical Medicine Codes	45.00
2					
3	57	10/4/90	Mafalda LaRocco	Chiropractic Services Billed by Bigelsen as an Office Visit	30.00
4					
5	58	10/5/90	Henry Cookerboo	Colonic Therapy Billed by Bigelsen Under Physical Medicine Codes	45.00
6					
7	59	10/25/90	Mafalda LaRocco	Chiropractic Services Billed By Bigelsen Under Physical Medicine and Office Visit Codes	45.00
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10	60	11/7/90	Bea Harcourt	Chiropractic Services Billed by Bigelsen as an Office Visit	25.00
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12	61	11/9/90	Bea Harcourt	Chiropractic Services Billed by Bigelsen as an Office Visit	30.00
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14	62	11/19/90	Mafalda LaRocco	Chiropractic Services and Acupuncture Billed By Bigelsen Under Physical Medicine and Office Visit Codes	55.00
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17	63	12/3/90	Mafalda LaRocco	Chiropractic Services Billed by Bigelsen as an Office Visit	55.00
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19 All in violation of Title 18, United States Code,
20 Section 286.

21 COUNTS TWO THROUGH SIXTY-FOUR

22 1. Paragraphs 1 through 7 of Count 1 of this Indictment
23 are hereby incorporated by reference and realleged as though
24 fully set forth herein.

2. On or about the respective dates set forth in Counts 2 through 64 below, in the District of Arizona, defendant BIGELSEN knowingly and wilfully made and caused to be made, claims upon the United States and the United States Department of Health and Human Services and the Health Care Financing Administration, for Medicare payments, knowing such claims to be false, fictitious and fraudulent, as set forth below:

<u>Count</u>	<u>Date of Claim Form</u>	<u>Date of Service</u>	<u>Patient</u>	<u>Treatment/ Fraudulent Billing</u>	<u>Amount</u>
2	4/12/89	4/12/89	Grace Gaines	Massage by Non Covered Therapist Billed by Bigelsen Under Physical Medicine Codes	\$55.00
3	4/14/89	4/14/89	Grace Gaines	Massage by Non Covered Therapist Billed by Bigelsen Under Physical Medicine Codes	55.00
4	4/17/89	4/17/89	Gertrude Hill	Chiropractic Services and Acupuncture Billed by Bigelsen as an Office Visit	45.00
5	4/19/89	4/19/89	Gertrude Hill	Chiropractic Services and Acupuncture Billed by Bigelsen as an Office Visit	45.00
6	4/24/89	4/24/89	Grace Gaines	Massage by Non Covered Therapist Billed by Bigelsen Under Physical Medicine Codes	55.00

1	7	4/24/89	4/24/89	Gertrude Hill	Chiropractic Services and Acupuncture Billed by Bigelsen as an Office Visit	45.00
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4	8	4/26/89	4/26/89	Gertrude Hill	Chiropractic Services and Acupuncture Billed by Bigelsen as an Office Visit	45.00
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6	9	10/23/89	10/23/89	Marjorie Brown	Colonic Therapy Billed by Bigelsen Under Physical Medicine Codes	45.00
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9	10	10/27/89	10/27/89	Marjorie Brown	Colonic Therapy Billed by Bigelsen Under Physical Medicine Codes	45.00
10						
11	11	11/2/89	11/2/89	Marjorie Brown	Colonic Therapy Billed by Bigelsen Under Physical Medicine Codes	45.00
12						
13						
14	12	12/28/89	12/28/89	Georgia Postal	Chiropractic Services Billed by Bigelsen as an Office Visit; Massage by Non Covered Therapist Billed by Bigelsen Under Physical Medicine Codes	100.00
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18	13	2/23/90	1/30/90	Bea Harcourt	Massage by Non Covered Therapist Billed by Bigelsen Under Physical Medicine Codes	55.00
19						
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21	14	2/28/90	2/1/90	Georgia Postal	Chiropractic Services and Acupuncture Billed By Bigelsen Under Physical Medicine Codes	40.00
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1	15	3/26/90	2/12/90	Lois Vesely	Chiropractic Services and Acupuncture Billed By Bigelsen Under Physical Medicine and Office Visit Codes	75.00
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4	16	4/16/90	2/12/90	Sylvia Whynot	Massage by Non Covered Therapist Billed by Bigelsen Under Physical Medicine Codes; Colonic Therapy Billed by Bigelsen Under Physical Medicine Codes	95.00
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9	17	3/2/90	2/15/90	Georgia Postel	Chiropractic Services and Acupuncture Billed By Bigelsen Under Physical Medicine Codes	35.00
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12	18	3/29/90	2/19/90	Lois Vesely	Chiropractic Services and Acupuncture Billed by Bigelsen Under Physical Medicine Codes	55.00
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15	19	3/29/90	2/19/90	Lillian Lambert	Chiropractic Services and Acupuncture Billed By Bigelsen Under Physical Medicine Codes	55.00
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18	20	3/29/90	2/22/90	Lillian Lambert	Chiropractic Services and Acupuncture Billed By Bigelsen Under Physical Medicine Codes	55.00
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21	21	3/29/90	2/25/90	Lois Vesely	Chiropractic Services and Acupuncture Billed by Bigelsen Under Physical Medicine Codes	55.00
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1	22	9/11/90	3/12/90	Joseph Simantz	Chiropractic Services and Acupuncture Billed by Bigelsen Under Physical Medicine Codes	70.00
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4	23	4/2/90	3/15/90	Lillian Lambert	Chiropractic Services and Acupuncture Billed By Bigelsen Under Physical Medicine Codes	55.00
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7	24	4/2/90	3/20/90	Lois Vesely	Chiropractic Services and Acupuncture Billed by Bigelsen Under Physical Medicine Codes	70.00
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10	25	4/4/90	3/23/90	Lisa Games	Massage by Non Covered Therapist Billed by Bigelsen Under Physical Medicine Codes	60.00
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13	26	4/4/90	3/30/90	Lisa Games	Massage by Non Covered Therapist Billed by Bigelsen Under Physical Medicine Codes	60.00
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16	27	5/23/90	5/14/90	Gene Troy	Chiropractic Services, Acupuncture and Massage Billed By Bigelsen Under Physical Medicine and Office Visit Codes	140.00
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1	28	5/31/90	5/18/90	Jon Marshall	Chiropractic Services and Acupuncture Billed by Bigelsen Under Physical Medicine Codes	55.00
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4	29	5/31/90	5/21/90	Gene Troy	Chiropractic Services and Acupuncture Billed By Bigelsen Under Physical Medicine Codes	55.00
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7	30	5/31/90	5/23/90	Lisa Games	Massage by Non Covered Therapist Billed by Bigelsen Under Physical Medicine Codes	60.00
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10	31	5/31/90	5/25/90	Gene Troy	Chiropractic Services Billed By Bigelsen Under Physical Medicine Codes	55.00
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13	32	6/13/90	6/4/90	Jon Marshall	Chiropractic Services and Acupuncture Billed by Bigelsen Under Physical Medicine Codes	55.00
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16	33	6/15/90	6/8/90	Paul Chester	Colonic Therapy Billed by Bigelsen Under Physical Medicine Codes	45.00
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18	34	6/19/90	6/9/90	Paul Chester	Colonic Therapy Billed by Bigelsen Under Physical Medicine Codes	50.00
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21	35	6/19/90	6/11/90	Jon Marshall	Chiropractic Services and Acupuncture Billed by Bigelsen Under Physical Medicine Codes	55.00
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1	36	7/9/90	6/28/90	Vincent Kane	Massage by Non Covered Therapist Billed by Bigelsen Under Physical Medicine Codes	60.00
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4	37	7/9/90	6/28/90	Vincent Kane	Colonic Therapy Billed by Bigelsen Under Physical Medicine Codes	45.00
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7	38	7/9/90	6/28/90	Vincent Kane	Chiropractic Services and Acupuncture Billed By Bigelsen Under Physical Medicine Codes	55.00
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10	39	7/10/90	6/29/90	Vincent Kane	Massage by Non Covered Therapist Billed by Bigelsen Under Physical Medicine Codes	60.00
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13	40	7/10/90	6/29/90	Vincent Kane	Colonic Therapy Billed by Bigelsen Under Physical Medicine Codes	45.00
14						
15	41	7/10/90	6/29/90	Vincent Kane	Chiropractic Services and Acupuncture Billed By Bigelsen Under Physical Medicine Codes	55.00
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18	42	7/10/90	7/2/90	Vincent Kane	Massage by Non Covered Therapist Billed by Bigelsen Under Physical Medicine Codes	60.00
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21	43	7/10/90	7/2/90	Vincent Kane	Colonic Therapy Billed by Bigelsen Under Physical Medicine Codes	45.00
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1	44	7/10/90	7/2/90	Vincent Kane	Chiropractic Services and Acupuncture Billed By Bigelsen Under Physical Medicine Codes	55.00
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4	45	7/10/90	7/3/90	Anna H. Cole	Colonic Therapy Billed by Bigelsen Under Physical Medicine Codes	45.00
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7	46	7/20/90	7/5/90	Joseph Simantz	Chiropractic Services and Acupuncture Billed by Bigelsen Under Physical Medicine and Office Visit Codes	50.00
8						
9						
10	47	7/11/90	7/5/90	Judy Owens	Massage by Non Covered Therapist Billed by Bigelsen Under Physical Medicine Codes	60.00
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12						
13	48	7/11/90	7/6/90	Judy Owens	Chiropractic Services Billed By Bigelsen Under Physical Medicine Codes	80.00
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15						
16	49	7/11/90	7/10/90	Anna H. Cole	Colonic Therapy Billed by Bigelsen Under Physical Medicine Codes	45.00
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18	50	8/6/90	8/3/90	Joseph Simantz	Chiropractic Services and Acupuncture Billed by Bigelsen Under Physical Medicine and Office Visit Codes	95.00
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22	51	8/23/90	8/15/90	Henry Cokerboo	Colonic Therapy Billed by Bigelsen Under Physical Medicine Codes	45.00
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52	8/23/90	8/21/90	Henry Cookerboo	Colonic Therapy Billed by Bigelsen Under Physical Medicine Codes	45.00
53	9/4/90	8/30/90	Anna H. Cole	Chiropractic Services and Acupuncture Billed by Bigelsen Under an Office Visit Code; Massage by Non Covered Therapist Billed by Bigelsen Under Physical Medicine Codes	115.00
54	9/11/90	9/7/90	Charlene Hobbs	Chiropractic Services and Acupuncture Billed by Bigelsen Under an Office Visit Code; Massage by Non Covered Therapist Billed by Bigelsen Under Physical Medicine Codes	90.00
55	9/11/90	9/10/90	Charlene Hobbs	Colonic Therapy Billed by Bigelsen Under Physical Medicine Codes	45.00
56	9/12/90	9/11/90	Judy Owens	Massage by Non Covered Therapist Billed by Bigelsen Under Physical Medicine Codes	60.00
57	9/20/90	9/17/90	Charlene Hobbs	Colonic Therapy Billed by Bigelsen Under Physical Medicine Codes	45.00
58	10/9/90	10/4/90	Mafalda LaRocco	Chiropractic Services Billed by Bigelsen as an Office Visit	30.00

1	59	10/9/90	10/5/90	Henry Cookerboo	Colonic Therapy Billed by Bigelsen Under Physical Medicine Codes	45.00
2						
3	60	10/31/90	10/25/90	Mafalda LaRocco	Chiropractic Services Billed By Bigelsen Under Physical Medicine and Office Visit Codes	45.00
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6	61	11/28/90	11/7/90	Bea Harcourt	Chiropractic Services Billed by Bigelsen as an Office Visit	25.00
7						
8	62	11/28/90	11/9/90	Bea Harcourt	Chiropractic Services Billed by Bigelsen as an Office Visit	30.00
9						
10						
11	63	11/29/90	11/19/90	Mafalda LaRocco	Chiropractic Services and Acupuncture Billed By Bigelsen Under Physical Medicine and Office Visit Codes	55.00
12						
13						
14	64	12/20/90	12/3/90	Mafalda LaRocco	Chiropractic Services Billed by Bigelsen as an Office Visit	55.00
15						

COUNTS SIXTY-FIVE THROUGH ONE HUNDRED EIGHT

A. INTRODUCTION

1. Paragraphs 1 through 7 of Count 1 of this indictment are hereby incorporated by reference and realleged as though fully set forth herein:

B. SCHEME

2. Commencing on or about March, 1989, and continuing up to and including the date of this Indictment, the exact dates being unknown to the Grand Jury, in the District of Arizona and

1 elsewhere, defendant HARVEY BIGELSEN, and other persons known
 2 and unknown to the Grand Jury, did devise and intend to devise a
 3 scheme and artifice to defraud, and for obtaining money and
 4 property from the United States and HHS, by means of false and
 5 fraudulent pretenses, representations and promises, well knowing
 6 at the time that the pretenses, representations and promises
 7 would be and were false and fraudulent when made.

8 3. On or about the following dates, within the District of
 9 Arizona, defendant BIGELSEN did, for the purpose of executing
 10 and attempting to execute the aforesaid scheme and artifice to
 11 defraud, caused to be placed in an authorized depository and
 12 delivered by the United States Postal Service, according to the
 13 directions thereon, the following:

<u>Count</u>	<u>Sender</u>	<u>Recipient</u>	<u>Item Sent</u>	<u>Date Processing Began at AETNA</u>	<u>Cross- Referenced Section 287 Counts</u>
65	Bigelsen	AETNA	HCFA 1500 Claim Form	4/24/89	2,3
66	Bigelsen	AETNA	HCFA 1500 Claim Form	4/27/89	4
67	Bigelsen	AETNA	HCFA 1500 Claim Form	5/2/89	5

1	68	Bigelsen	AETNA	HCFA 1500 Claim Form	5/8/89	6,7
2						
3	69	Bigelsen	AETNA	HCFA 1500 Claim Form	5/10/89	8
4	70	Bigelsen	AETNA	HCFA 1500 Claim Form	11/20/89	9,10
5						
6	71	Bigelsen	AETNA	HCFA 1500 Claim Form	12/1/89	11
7	72	Bigelsen	AETNA	HCFA 1500 Claim Form	1/12/90	12
8						
9	73	Bigelsen	AETNA	HCFA 1500 Claim Form	2/28/90	13
10	74	Bigelsen	AETNA	HCFA 1500 Claim Form	3/14/90	14
11						
12	75	Bigelsen	AETNA	HCFA 1500 Claim Form	3/29/90	15
13	76	Bigelsen	AETNA	HCFA 1500 Claim Form	4/19/90	16
14						
15	77	Bigelsen	AETNA	HCFA 1500 Claim Form	3/28/90	17
16	78	Bigelsen	AETNA	HCFA 1500 Claim Form	4/02/90	18,19, 20,21
17						
18	79	Bigelsen	AETNA	HCFA 1500 Claim Form	9/12/90	22
19	80	Bigelsen	AETNA	HCFA 1500 Claim Form	4/4/90	23,24
20						
21	81	Bigelsen	AETNA	HCFA 1500 Claim Form	4/13/90	25,26
22	82	Bigelsen	AETNA	HCFA 1500 Claim Form	5/29/90	27
23						
24	83	Bigelsen	AETNA	HCFA 1500 Claim Form	6/4/90	28

1	84	Bigelsen	AETNA	HCFA 1500 Claim Form	6/6/90	29,31
2						
3	85	Bigelsen	AETNA	HCFA 1500 Claim Form	6/8/90	30
4	86	Bigelsen	AETNA	HCFA 1500 Claim Form	6/21/90	32,33, 34
5						
6	87	Bigelsen	AETNA	HCFA 1500 Claim Form	6/26/90	35
7	88	Bigelsen	AETNA	HCFA 1500 Claim Form	8/9/90	36
8						
9	89	Bigelsen	AETNA	HCFA 1500 Claim Form	8/3/90	37,38
10	90	Bigelsen	AETNA	HCFA 1500 Claim Form	7/11/90	39
11						
12	91	Bigelsen	AETNA	HCFA 1500 Claim Form	7/24/90	40,46
13	92	Bigelsen	AETNA	HCFA 1500 Claim Form	7/23/90	41
14						
15	93	Bigelsen	AETNA	HCFA 1500 Claim Form	7/30/90	42,43
16	94	Bigelsen	AETNA	HCFA 1500 Claim Form	11/6/90	44
17						
18	95	Bigelsen	AETNA	HCFA 1500 Claim Form	7/11/90	45
19	96	Bigelsen	AETNA	HCFA 1500 Claim Form	7/16/90	47,48, 49
20						
21	97	Bigelsen	AETNA	HCFA 1500 Claim Form	8/7/90	50
22	98	Bigelsen	AETNA	HCFA 1500 Claim Form	8/24/90	51
23						
24	99	Bigelsen	AETNA	HCFA 1500 Claim Form	8/28/90	52

1	100	Bigelsen	AETNA	HCFA 1500 Claim Form	9/5/90	53
2						
3	101	Bigelsen	AETNA	HCFA 1500 Claim Form	9/12/90	54,55
4	102	Bigelsen	AETNA	HCFA 1500 Claim Form	9/13/90	56
5						
6	103	Bigelsen	AETNA	HCFA 1500 Claim Form	9/21/90	57
7	104	Bigelsen	AETNA	HCFA 1500 Claim Form	10/15/90	58,59
8						
9	105	Bigelsen	AETNA	HCFA 1500 Claim Form	11/1/90	60
10	106	Bigelsen	AETNA	HCFA 1500 Claim Form	12/5/90	61,63
11						
12	107	Bigelsen	AETNA	HCFA 1500 Claim Form	12/14/90	62
13	108	Bigelsen	AETNA	HCFA 1500 Claim Form	12/26/90	64
14						

15 All in violation of Title 18, United States Code, Section 1341.

16 COUNT ONE HUNDRED NINE

17 A. PREAMBLE

18 1. Paragraphs 1 through 7 of Count 1 of this Indictment
19 are hereby incorporated by reference and realleged as though
20 fully set forth herein.

21 B. DEFENDANT ROSALES

22 2. Defendant RAYMOND ROSALES was hired by BIGELSEN in
23 June, 1989 as a consultant to reorganize and manage Multi-Health
24 Group, Inc., and then the Center for Progressive Medicine, Inc.

1 d. On or about June, 1991, defendant ROSALES changed
2 the data contained in the computer account history for patient
3 Sylvia Whynot.

4 e. On or about June, 1991, defendant ROSALES changed
5 the data contained in the computer account history for patient
6 Grace Gaines.

7 f. On or about July, 1991, the defendants submitted an
8 altered and falsified document in response to a Grand Jury
9 subpoena, to wit: patient progress notes of Gertrude Hill,
10 dated November 3, 1988.

11 g. On or about July, 1991, the defendants submitted an
12 altered and falsified document in response to a Grand Jury
13 subpoena, to wit: patient progress notes of Sylvia Whynot,
14 dated February 12, 1990.

15 h. On or about July, 1991, the defendants submitted an
16 altered and falsified document in response to a Grand Jury
17 subpoena, to wit: patient progress notes of Lisa Gaines, dated
18 March 10, 1990.

19 i. On or about June, 1991, defendant ROSALES approached
20 Don Laman and asked him to sign and backdate a blank employment
21 agreement.

22 In violation of Title 18, United States Code, Section 371.
23
24
25
26

1 that defendants BIGELSEN and ROSALES intentionally and wilfully
2 changed the data contained in the computer account history for
3 patient Gertrude Hill.

4 In violation of Title 18, United States Code, Section 1505.

5 COUNT ONE HUNDRED TWELVE

6 From on or about May, 1991, through February, 1992, in the
7 District of Arizona, defendants BIGELSEN and ROLSALES did
8 corruptly obstruct, impede and endeavor to obstruct and impede
9 the due and proper administration of law under which a pending
10 investigation was being had before the Department of Health and
11 Human Services, an agency of the United States, during an
12 investigation by the Department of Health and Human Services,
13 Office of Inspector General, into suspected false Medicare
14 claims submitted by Harvey Bigelsen to the United States, in
15 that defendants BIGELSEN and ROSALES intentionally and wilfully
16 changed the data contained in the computer account history for
17 patient Sylvia Whynot.

18 In violation of Title 18, United States Code, Section 1505.

19 COUNT ONE HUNDRED THIRTEEN

20 From on or about May, 1991, through February, 1992, in the
21 District of Arizona, defendants BIGELSEN and ROLSALES did
22 corruptly obstruct, impede and endeavor to obstruct and impede
23 the due and proper administration of law under which a pending
24 investigation was being had before the Department of Health and

1 Human Services, an agency of the United States, during an
2 investigation by the Department of Health and Human Services,
3 Office of Inspector General, into suspected false Medicare
4 claims submitted by Harvey Bigelsen to the United States, in
5 that defendants BIGELSEN and ROSALES intentionally and wilfully
6 changed the data contained in the computer account history for
7 patient Grace Gaines.

8 In violation of Title 18, United States Code, Section 1505.

9 COUNT ONE HUNDRED FOURTEEN

10 From on or about May, 1991, through February, 1992, in the
11 District of Arizona, defendants BIGELSEN and ROSALES did
12 corruptly obstruct, impede and endeavored to obstruct and impede
13 the due and proper administration of law under which a pending
14 investigation was being had before the Department of Health and
15 Human Services, an agency of the United States, during an
16 investigation by the Department of Health and Human Services,
17 Office of Inspector General, into suspected false medicare
18 claims submitted by Harvey Bigelsen to the United States, in
19 that defendants BIGELSEN and ROSALES intentionally and wilfully
20 submitted an altered and falsified document in response to a
21 Grand Jury subpoena, to wit: patient progress notes of Gertrude
22 Hill, dated November 3, 1988.

23 In violation of Title 18, United States Code, Section 1505.
24
25
26

1 claims submitted by Harvey Bigelsen to the United States, in
2 that defendants BIGELSEN and ROSALES intentionally and wilfully
3 submitted a false document in response to a Grand Jury subpoena,
4 to wit: patient progress notes of Lisa Games, dated March 10,
5 1990.

6 In violation of Title 18, United States Code, Section 1505.

7 COUNT ONE HUNDRED SEVENTEEN

8 On or about June, 1991, in the District of Arizona,
9 defendants BIGELSEN and ROSALES did corruptly obstruct, impede
10 and endeavored to obstruct and impede the due and proper
11 administration of law under which a pending investigation was
12 being had before the Department of Health and Human Services, an
13 agency of the United States, during an investigation by the
14 Department of Health and Human Services, Office of Inspector
15 General, into suspected false medicare claims submitted by
16 Harvey Bigelsen to the United States, in that defendants
17 BIGELSEN and ROSALES intentionally and wilfully attempted to get
18 Don Laman to sign and backdate an employment agreement after Don
19 Laman stopped working in defendant BIGELSEN'S office.

1 In violation of Title 18, United States Code, Section 1505.

2 A TRUE BILL

3
4 
5 FOREMAN OF THE GRAND JURY

Date: 17 Dec 92

6 LINDA A. AKERS
7 United States Attorney
8 District of Arizona

9 

10 PETER S. SEXTON
11 Assistant U.S. Attorney