

1 JOHN K. VINCENT  
United States Attorney  
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Sacramento, California 95814  
4 Telephone: (916) 554-2770

**FILED**

AUG - 8 2002

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY \_\_\_\_\_  
DEPUTY CLERK

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7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10  
11 UNITED STATES OF AMERICA, )  
12 Plaintiff, )  
13 v. )  
14 KEVIN T. DO, M.D., )  
15 Defendant. )

CR S- **CRS-02-0338 GEB**  
VIOLATION: 18 U.S.C. § 1347 -  
Health Care Fraud;  
18 U.S.C. § 2 - Aiding and  
Abetting

16  
17 I N F O R M A T I O N

18 The United States Attorney charges:

19 KEVIN T. DO, M.D.,

20 defendant herein, as follows:

21 I. INTRODUCTION

22 At all time material to this Information:

23 A. Defendant KEVIN T. DO, M.D., was a medical doctor  
24 operating in Los Angeles and who was a Medi-Cal provider.

25 B. The Medi-Cal Program was a federal and state funded  
26 program which provided for the medical services for eligible  
27 recipients - those who had a Medi-Cal card issued by the State of  
28 California.

1 C. For a medical provider to participate in this program he  
2 or she had to sign an agreement with the State of California to  
3 receive a provider number. Upon being accepted in the program a  
4 medical provider had to agree to submit to certain regulations  
5 issued by the State of California. The Department of Health  
6 Services, Medi-Cal Division, provided information to the  
7 participating medical providers of the requirements of the program.

8 D. When a medical provider was accepted he or she received an  
9 on-line number which allowed for electronic billing to the State of  
10 California, Department of Health Services in Sacramento, California,  
11 through its contractor Electronic Data Systems ("EDS"). The medical  
12 provider or a biller hired by the medical provider could then input  
13 the Medi-Cal beneficiary number, prescription code, and the date;  
14 and the State Controller's Office in Sacramento, California, on a  
15 weekly basis remitted a check to the provider for the amount and  
16 type of prescriptions filled based on the computer tape claim  
17 submitted by the pharmacy or DME to EDS.

18 E. The Medi-Cal Program received fifty percent of its funding  
19 from the United States Department of Health and Human Services. The  
20 California Department of Health Service acted as an agent for the  
21 United States in the disbursement of the funds which the federal  
22 government places in the Medi-Cal Program.

## 23 II. SCHEME TO DEFRAUD

24 Beginning on or about April 1997, and continuing through on or  
25 about December 31, 1998, in the Eastern District of California, an  
26 elsewhere, defendant KEVIN T. DO, M.D., together with others known  
27 and unknown to the United States Attorney, executed and intended to  
28 execute a scheme and artifice to defraud a health care benefit

1 program, which program affected interstate commerce, to wit:  
2 defendant KEVIN T. DO, M.D. permitted a billing company to use  
3 defendant DO'S Medi-Cal provider number to bill for services which  
4 defendant DO did not provide and which were, in fact, not provided  
5 by anyone. As a result of this scheme the Medi-Cal Program was  
6 wrongfully defrauded out of approximately \$397,000.

7  
8 II. WAYS AND MEANS

9 In furtherance of the scheme and artifice set forth above  
10 defendant KEVIN T. DO, M.D. employed, among other, the following  
11 ways and means:

12 1. During the period sometime around April 1997, defendant  
13 DR. DO reached an agreement with a billing service, whereby  
14 defendant DR. DO agreed to allow the billing service to use his  
15 Medi-Cal provider number to submit claims for services that he did  
16 not perform.

17 2. Beginning in or about June 1998, defendant DR. DO, was  
18 informed by the billing company that they would be using his  
19 provider number to submit claims to Medi-Cal for physical therapy  
20 services that he would not render. Defendant DR. DO established a  
21 joint bank account into which the Medi-Cal checks were deposited.  
22 Defendant DR. DO then provided 80% of these funds to the billing  
23 company

24 3. Pursuant to the agreement, the said billing company  
25 submitted claims using defendant DR. DO'S Medi-Cal provider number  
26 so that it appeared that defendant DR. DO provided the services,  
27 when, in fact, the services were completely fictional, as a result  
28 of the aforementioned scheme, Medi-Cal was defrauded out of  
\$397,000.

1 All in violation of Title 18, United States Code, Sections 1347  
2 and 2.

3 DATED: August 7, 2002

JOHN K. VINCENT  
United States Attorney

4  
5 By:   
6 DANIEL S. LINHARDT  
7 Assistant U.S. Attorney  
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**FILED**

**United States District Court**  
**Eastern District of California**

AUG 26 2003

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY \_\_\_\_\_  
DEPUTY CLERK

UNITED STATES OF AMERICA  
v.  
KEVIN T. DO

**JUDGMENT IN A CRIMINAL CASE**

(For Offenses Committed On or After November 1, 1987)

Case Number: 2:02CR00338-01

Richard Moss

Defendant's Attorney

RECEIVED  
UNITED STATES MARSHAL  
03 OCT 20 PM 1:30  
EASTERN DISTRICT OF CALIFORNIA

**THE DEFENDANT:**

- pleaded guilty to count(s): One of the Information.
- pleaded nolo contendere to count(s) \_\_\_ which was accepted by the court.
- was found guilty on count(s) \_\_\_ after a plea of not guilty.

ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following offense(s):

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 1347, 2	Health Care Fraud, Aiding and Abetting	12/31/98	One

**FILED**

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

OCT 22 2003

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY [Signature]  
DEPUTY CLERK

- The defendant has been found not guilty on count(s) \_\_\_ and is discharged as to such count(s).
- Count(s) \_\_\_ (is)(are) dismissed on the motion of the United States.
- Indictment is to be dismissed by District Court on motion of the United States.
- Appeal rights given.  Appeal rights waived.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: 556-69-9526

Defendant's Date of Birth: 10/25/65

Defendant's USM No.: 14660-097

Defendant's Residence Address:  
5642 Stansbury Avenue  
Van Nuys, CA 91401

Defendant's Mailing Address:  
5642 Stansbury Avenue  
Van Nuys, CA 91401

I hereby certify that the annexed instrument is a true and correct copy of the original on file in my office.

ATTEST: JANNE E. WAGNER

Clerk, U.S. District Court  
Eastern District of California

By [Signature]  
Deputy Clerk

Dated 8-26-03

August 15, 2003

Date of Imposition of Judgment

[Signature]  
Signature of Judicial Officer

GARLAND E. BURRELL, JR., United States District Judge  
Name & Title of Judicial Officer

8-26-03

Date

CASE NUMBER: 2:02CR00338-01  
DEFENDANT: KEVIN T. DO

### IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 12 Months.

The court makes the following recommendations to the Bureau of Prisons:

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district.

at      on     .

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2:00 p.m. on 10/15/03.

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Officer.

If no such institution has been designated, to the United States Marshal for the Central District of California.

### RETURN

I have executed this judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on <sup>VP</sup> 10/15/03 to WJL/TCT  
at Jail # 93268, with a certified copy of this judgment.

R.D. Andrew, Warden  
UNITED STATES MARSHAL

By Kristen Rios  
Deputy U.S. Marshal

CASE NUMBER: 2:02CR00338-01  
DEFENDANT: KEVIN T. DO

## SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 36 Months.

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime.

The defendant shall not illegally possess a controlled substance.

*For offenses committed on or after September 13, 1994:*

- The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer.
- The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse. (Check if applicable.)
- The defendant shall not possess a firearm as defined in 18 U.S.C. § 921. (Check if applicable.)

If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant shall also comply with the additional conditions on the attached page (if indicated below).

## STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow instructions of the probation officer;
- 4) the defendant shall support his or her dependants and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training or other acceptable reasons;
- 6) the defendant shall notify the probation officer ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere, and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

CASE NUMBER: 2:02CR00338-01

DEFENDANT: KEVIN T. DO

### SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall not dispose of or otherwise dissipate any of his assets until the fine and/or restitution order by this judgment is paid in full, unless the defendant obtains approval of the court.
2. The defendant shall provide the probation officer with access to any requested financial information.
3. The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation officer.
4. The defendant shall not be employed in any business, in which the business can obtain reimbursement for goods, services, or products from any federal, state, or local program.

State of California—Health and Human Services Agency  
Department of Health Services



DIANA M. BONTÁ, R.N., Dr. P.H.  
Director



GRAY DAVIS  
Governor

**FEB 20 2003**

Kevin Tien Do  
309 South Robertson Boulevard  
Beverly Hills, California 90211

Physician;  
License G76640;  
SSN: 556-69-9526;  
PROVIDER NO: 00G766400, 00G766401, 00G766402, 00G766403,  
GR0076570

Dear Dr. Do:

The Director of the State Department of Health Services has been notified of your September 13, 2002, felony conviction in the United States District Court, Eastern District of California (Case No. CR-S-02-338-GEB) for violation of 18 U.S.C. 1347 (health care fraud). Pursuant to Welfare and Institutions Code, section 14123, subdivision (a), the Director is required to suspend a provider of service for conviction of any felony or any misdemeanor involving fraud, abuse of the Medi-Cal program or any patient, or otherwise substantially related to the qualifications, functions, or duties of a provider of service. (See also 42 C.F.R. § 1001.101(a); Welf. & Inst. Code, § 14123.25.)

A provider of services is defined in Welfare and Institutions Code, section 14043.1, subdivision (e) as any individual, partnership, group, association, corporation, institution, or entity, and the officers, directors, owners, managing employees, or agents of any partnership, group, association, corporation, institution, or entity, that provides services, goods, supplies, or merchandise, directly or indirectly, to a Medi-Cal beneficiary and that has been enrolled in the Medi-Cal program.

Therefore, pursuant to the authority delegated to me by the Director of the Department of Health Services, you are hereby prohibited from participating in the Medi-Cal program for an indefinite period of time, effective twenty days (15 days' statutory notice, plus 5 days for mailing) from the date of this letter. During the period of your suspension, no person or entity, including an employer, can submit any claims to the Medi-Cal program



Do your part to help California save energy. To learn more about saving energy, visit the following web site:  
[www.consumerenergycenter.org/flex/index.html](http://www.consumerenergycenter.org/flex/index.html)

P.O. Box 942732, Sacramento, CA 94234-7320  
FAX: (916) 657-0386

**FEB 20 2003**

for items or services rendered by you. Additionally, no provider number may be issued to you or to any person, entity, or employer on your behalf prior to reinstatement by this Department to the Medi-Cal program. Any involvement by you directly or indirectly (i.e., as an office manager, administrator, or billing clerk processing or preparing claims for payment, as a salesman for medical equipment, etc., or utilizing any other provider number or group number for services rendered by you) will result in nonpayment of the Medi-Cal claim submitted. Any person who presents or causes to be presented a claim for equipment or services rendered by a person suspended from participation in the Medi-Cal program shall be subject to suspension from participation in the Medi-Cal program, the assessment of civil money penalties, and/or criminal prosecution. (See Welf. & Inst. Code, §§ 14043.61, 14107, 14123.2; Cal. Code of Regs., tit. 22, §§ 51458.1, 51484, and 51485.1.) The Department will seek recoupment of any monies paid for claims presented to the Medi-Cal program for services or supplies rendered by you during the period of your suspension.

If you have any questions about this action, please submit your concerns, in writing, to Sherry A. Detwiler-Cummins, Senior Legal Analyst.

Sincerely,



Sheila C. Nolan  
Assistant Chief Counsel

cc: See next page