

1 BENJAMIN B. WAGNER  
United States Attorney  
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**FILED**

SEP 28 2015

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

5 Attorneys for Plaintiff  
6 United States of America

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

2:15 - CR - 200 JAM

10 UNITED STATES OF AMERICA,  
11 Plaintiff,  
12 v.  
13 NEIL A. VAN DYCK,  
14 Defendant.

CASE NO.  
VIOLATION: 18 U.S.C. § 1347 – Health Care  
Fraud; 18 U.S.C. § 982(a)(7) – Criminal Forfeiture

16 INFORMATION

17 COUNT ONE: [18 U.S.C. § 1347 – Health Care Fraud]

18 The United States Attorney charges:

19 NEIL A. VAN DYCK,

20 defendant herein, as follows:

21 1. Beginning no later than January 2009 and continuing until at least August 2014, in the  
22 County of Placer, State and Eastern District of California, NEIL A. VAN DYCK did knowingly and  
23 willfully execute and attempt to execute a scheme and artifice to defraud and to obtain, by means of  
24 materially false and fraudulent pretenses, representations, and promises, money owned by and under the  
25 custody and control of Medicare, Medi-Cal, Tricare, and private insurers, all of which were health care  
26 benefit programs as defined in Title 18, United States Code, Section 24(b), all in connection with the  
27 delivery of and payment for health care benefits, items, and services.

1           2.       The ways and means of the scheme included, but were not limited to, the defendant  
2 causing false or fraudulent bills to be submitted to Medicare, Medi-Cal, Tricare, and private insurers,  
3 with respect to the podiatric medical services that defendant claimed to have performed for patients that,  
4 in truth and in fact, the defendant did not perform or which were not reimbursable by Medicare, Medi-  
5 Cal, Tricare, and private insurers.

6           3.       The total amount of fraudulent claims submitted to Medicare, Medi-Cal, Tricare, and  
7 private insurers as part of the defendant's healthcare fraud scheme from 2009 to August 2014 was over  
8 \$2,860,000. Those entities paid approximately \$1,230,000 to the defendant on the fraudulent claims,  
9 including over \$1,075,000 paid by Medicare, Medi-Cal, and Tricare.

10          4.       On or about August 17, 2011, for the purpose of executing and attempting to execute the  
11 aforementioned scheme and artifice to defraud, defendant submitted or caused to be submitted a claim to  
12 Medicare in the amount of \$90 for payment for podiatric services performed on or about August 4,  
13 2011. The claim was electronically submitted from Roseville, California to Medicare's Administrative  
14 Contractor in Augusta, Georgia. The claim falsely represented that defendant had performed a nail  
15 avulsion procedure. In truth and in fact, defendant performed routine foot care, all in violation of Title  
16 18, United States Code, Section 1347.

17  
18 FORFEITURE ALLEGATION: [18 U.S.C. § 982(a)(7) – Criminal Forfeiture]

19          1.       Upon conviction of the offense alleged in this Information, defendant NEIL A. VAN  
20 DYCK shall forfeit to the United States, pursuant to 18 U.S.C. § 982(a)(7), all property, real and  
21 personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the  
22 commission of the offense, including, but not limited to:

23           a.       A money judgment in the amount of \$1,230,000.00.

24          2.       If any property subject to forfeiture, as a result of the offense alleged in this Information,  
25 for which defendant is convicted:

26           a.       cannot be located upon the exercise of due diligence;

27           b.       has been transferred or sold to, or deposited with, a third party;

28           c.       has been placed beyond the jurisdiction of the Court;

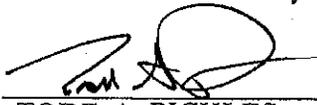
1 d. has been substantially diminished in value; or

2 e. has been commingled with other property which cannot be divided without  
3 difficulty;

4 it is the intent of the United States, pursuant to 18 U.S.C. § 982(b)(1), incorporating 21 U.S.C. § 853(p),  
5 to seek forfeiture of any other property of said defendant, up to the value of the property subject to  
6 forfeiture.

7  
8 Dated: September 28, 2015

BENJAMIN B. WAGNER  
United States Attorney

9  
10 By: 

TODD A. PICKLES  
Assistant United States Attorney

Penalties for Information

**COUNT 1:**

NEIL A. VAN DYCK

2:15 - CR - 200 JAM

**VIOLATION:**

18 U.S.C. § 1347 – Health Care Fraud

**PENALTIES:**

A maximum of up to 20 years in prison; or  
Fine of up to \$1,000,000; or both fine and imprisonment  
Supervised release of at least 3 years up to life

**SPECIAL ASSESSMENT:** \$100 (mandatory on each count)

**FORFEITURE ALLEGATION:**

**VIOLATION:**

18 U.S.C. § 982(a)(7) – Criminal Forfeiture

**PENALTIES:**

As stated in the charging document

# UNITED STATES DISTRICT COURT

## Eastern District of California

UNITED STATES OF AMERICA

v.

**NEIL A. VAN DYCK**

**AMENDED JUDGMENT IN A CRIMINAL CASE**  
(For Offenses Committed On or After November 1, 1987)

Case Number: **2:15CR00200-1**

Defendant's Attorney: Michael Khouri, Retained

**Date of Original Judgment:** April 15, 2016  
(Or Date of Last Amended Judgment)

**Reason for Amendment:**

- Correction of Sentence on Remand (Fed R. Crim. P. 35(a))
- Reduction of Sentence for Changed Circumstances (Fed R. Crim. P. 35(b))
- Correction of Sentence by Sentencing Court (Fed R. Crim. P. 35(c))
- Correction of Sentence for Clerical Mistake (Fed R. Crim. P. 36)
- Modification of Supervision Conditions (18 U.S.C. § 3563(c) or 3583(e))
- Modification of Imposed Term of Imprisonment for Extraordinary and Compelling Reasons (18 U.S.C. § 3582(c)(1))
- Modification of Imposed Term of Imprisonment for Retroactive Amendment (s) to the Sentencing Guidelines (18 U.S.C. § 3582(c)(2))
- Direct Motion to District Court Pursuant to  28 U.S.C. §2255,  18 U.S.C. §3559(c)(7),  Modification of Restitution Order

**THE DEFENDANT:**

- pleaded guilty to count(s) 1 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):

Title & Section	Nature Of Offense	Date Offense Concluded	Count Number
18 USC 1347	Health Care Fraud	8/31/2014	1

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s)      and is discharged as to such count(s).
- Count (s)      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. If ordered to pay restitution or fine, the defendant must notify the court and United States Attorney of material changes in economic circumstances.

4/15/2016

Date of Imposition of Judgment



Signature of Judicial Officer

**Garland E. Burrell, Jr., Senior U. S. District Judge**

Name & Title of Judicial Officer

10/13/2016

Date

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: 36 months.

- No TSR: Defendant shall cooperate in the collection of DNA.
- The court makes the following recommendations to the Bureau of Prisons:  
The Court recommends that the defendant be incarcerated at a camp institution in California, but only insofar as this accords with security classification and space availability.
- 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 PM on 7/15/2016.
  - 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 this district.

**RETURN**

I have executed this judgment as follows:

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

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
United States Marshal

\_\_\_\_\_  
By Deputy United States Marshal

**SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of:  
24 months.

The defendant must report to the probation office in the district to which the defendant is released within seventy-two 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 unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two (2) periodic drug tests thereafter, not to exceed four (4) drug tests per month.

- The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse.
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
- The defendant shall cooperate in the collection of DNA as directed by the probation officer.
- The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, et seq.), as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of qualifying offense.
- The defendant shall participate in an approved program for domestic violence.

If this judgment imposes a fine or a restitution obligation, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

**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 in a manner and frequency directed by the court or probation officer;
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 dependents 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.

**SPECIAL CONDITIONS OF SUPERVISION**

1. The defendant shall submit to the search of his person, property, home, and vehicle by a United States probation officer, or any other authorized person under the immediate and personal supervision of the probation officer, based upon reasonable suspicion, without a search warrant. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.
2. The defendant shall not dispose of or otherwise dissipate any of his assets until the fine and/or restitution ordered by this Judgment is paid in full, unless the defendant obtains approval of the Court or the probation officer.
3. The defendant shall apply all monies received from income tax refunds, lottery winnings, inheritance, judgments and any anticipated or unexpected financial gains to any unpaid restitution ordered by this Judgment.
4. The defendant shall provide the probation officer with access to any requested financial information.
5. The defendant shall not open additional lines of credit without the approval of the probation officer.

**CRIMINAL MONETARY PENALTIES**

The defendant must pay the total criminal monetary penalties under the Schedule of Payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$100	\$10,000	\$1,166,712.19

- The determination of restitution is deferred until \_\_\_\_ . An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.
- The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

Name of Payee	Total Loss*	Restitution Ordered	Priority or Percentage
Medicare CMS Division of Accounting Operations P.O. Box 7520 Baltimore, MD 21207-0520	\$954,142.11	\$954,142.11	
Tricare Credit Gateway 401 14th Street SW Washington, DC 20227	\$62,418.01	\$62,418.01	
Aetna - SIU Overpayments P.O. Box 981105 El Paso, TX 79998-1105 case #42355	\$13,589.40	\$13,589.40	
Anthem Inc. 11030 White Rock Road Rancho Cordova, CA 95670	\$89,928.98	\$89,928.98	
Blue Shield of CA Special Investigations, EDH D-1 4203 Town Center Blvd. Building D-1 El Dorado Hills, CA 95762	\$40,567.87	\$40,567.87	
Cigna West/Connecticut General Life Insurance Co. Routing W3SIU 900 Cottage Grove Road Hartford, CT 06152	\$31.18	\$31.18	
Cigna East/Connecticut General Life Insurance Co. Routing W3SIU 900 Cottage Grove Road Hartford, CT 06152	\$175.21	\$175.21	
Coventry c/o Aetna P.O. Box 981105 El Paso, TX 79998-1105	\$1,843.37	\$1,843.37	

DEFENDANT: NEIL A. VAN DYCK

Page 6 of 7

CASE NUMBER: 2:15CR00200-1

Health Net, Inc. Western Region Special Investigations Unit P.O. Box 2048 Rancho Cordova, CA 95741	\$1,954.17	\$1,954.17	
Humana 1100 Employers Blvd. Green Bay, WI 54344	\$1,982.89	\$1,982.89	
HealthSmart Holdings, Inc. 222 W. Las Colinas Blvd., Suite 600N Irving, TX 75039	\$79.00	\$79.00	
<b>Totals</b>	<b>\$1,166,712.19</b>	<b>\$1,166,712.19</b>	

- Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_
- The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- The court determined that the defendant does not have the ability to pay interest and it is ordered that:
- The interest requirement is waived for the  fine  restitution
- The interest requirement for the  fine  restitution is modified as follows:
- If incarcerated, payment of the fine is due during imprisonment at the rate of not less than \$25 per quarter and payment shall be through the Bureau of Prisons Inmate Financial Responsibility Program.
- If incarcerated, payment of the restitution is due during imprisonment at the rate of not less than \$25 per quarter and payment shall be through the Bureau of Prisons Inmate Financial Responsibility Program.

\*Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

**SCHEDULE OF PAYMENTS**

Payment of the total fine and other criminal monetary penalties shall be due as follows:

- A.  Lump sum payment of \$ \_\_\_ due immediately, balance due  
 Not later than \_\_\_, or  
 in accordance  C,  D,  E, or  F below; or
- B.  Payment to begin immediately (may be combined with  C,  D, or  F below); or
- C.  Payment in equal \_\_\_ (e.g. weekly, monthly, quarterly) installments of \$ \_\_\_ over a period of \_\_\_ (e.g. months or years), to commence \_\_\_ (e.g. 30 or 60 days) after the date of this judgment; or
- D.  Payment in equal \_\_\_ (e.g. weekly, monthly, quarterly) installments of \$ \_\_\_ over a period of \_\_\_ (e.g. months or years), to commence \_\_\_ (e.g. 30 or 60 days) after release from imprisonment to a term of supervision; or
- E.  Payment during the term of supervised release/probation will commence within \_\_\_ (e.g. 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F.  Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate:

The defendant shall pay the cost of prosecution.

The defendant shall pay the following court cost(s):

The defendant shall forfeit the defendant's interest in the following property to the United States:  
 The defendant shall forfeit to the United States a money judgment in the amount of \$1,230,000.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.



OFFICE OF INSPECTOR GENERAL

WASHINGTON, DC 20201



Neil Alan Van Dyck, #72955-097  
c/o FCI Sheridan  
Federal Correctional Institution  
P.O. Box 5000  
Sheridan, OR 97378

SEP 30 2016

Dear Neil Alan Van Dyck:

RE: OI File Number 9-11-4-0223-9

This is to notify you that you are being excluded from participation in any capacity in the Medicare, Medicaid, and all Federal health care programs as defined in section 1128B(f) of the Social Security Act (Act) for a minimum period of 18 years. The scope of this exclusion is broad and has a significant effect on your ability to work in the health care field. This action is being taken under section 1128(a)(1) of the Act (42 U.S.C. 1320a-7(a)) and is effective 20 days from the date of this letter. This exclusion is due to your conviction as defined in section 1128(i) (42 U.S.C. 1320a-7(i)), in the United States District Court, Eastern District of California, of a criminal offense related to the delivery of an item or service under the Medicare or a State health care program, including the performance of management or administrative services relating to the delivery of items or services, under any such programs.

**This exclusion will affect your ability to claim payment from these programs for items or services that you render; it will NOT affect your right to collect benefits under any Federal health care program such as Medicare, Medicaid, or Social Security. You will find more information regarding exclusions on the OIG's website, including Frequently Asked Questions and the Special Advisory Bulletin about the Effect of Exclusions. To access this site, go to <http://oig.hhs.gov>, click on the EXCLUSIONS tab, and then choose the item you would like to access.**

Section 1128(c)(3)(B) of the Act provides that the minimum period of exclusion shall be not less than 5 years. Your period of exclusion is greater than that because our records contain evidence of the following circumstances:

1. The acts resulting in the conviction, or similar acts, that caused, or were intended to cause, a financial loss to a Government program or one or more entities of \$5,000 or more. (The entire amount of financial loss to such programs or entities, including any amounts resulting from similar acts not adjudicated, will be considered regardless of whether full or partial restitution has been made.) The court ordered you to pay restitution of approximately \$1,166,700.
2. The sentence imposed by the court included incarceration. The court sentenced you to 36 months of incarceration.

3. The acts that resulted in the conviction, or similar acts, were committed over a period of one year or more. The acts occurred from about January 2009 to about August 2014.
4. The individual or entity was convicted of other offenses besides those which formed the basis for the exclusion, or has been the subject of any other adverse action by any Federal, State or local government agency or board, if the adverse action is based on the same set of circumstances that serves as the basis for imposition of the exclusion. You are suspended from participating in the State's Medi-Cal program.

A detailed explanation of the authority for this exclusion, its effect, and your appeal rights is enclosed and is incorporated as part of this notice by specific reference. You should read this document carefully, act upon it as necessary, and retain it for future reference.

**REINSTATEMENT IS NOT AUTOMATIC. You must apply to the OIG and be granted reinstatement. Obtaining a provider number from a Medicare contractor, a State agency, or a Federal health care program does not reinstate your eligibility to participate in those programs.**

Sincerely,



Thomas J. Sowinski  
Reviewing Official  
Health Care Program Exclusions

Enclosures

cc:

San Francisco Regional Office

/pnd



DEPARTMENT OF HEALTH AND HUMAN SERVICES

## OFFICE OF INSPECTOR GENERAL

WASHINGTON, DC 20201



### HOW TO APPEAL YOUR EXCLUSION

If you disagree with this action, you may request a hearing before an administrative law judge (ALJ). You may file a request for a hearing before an ALJ only on the issues of: (i) whether the Inspector General has a basis for the imposition of the sanction, and/or (ii) whether the length of exclusion is unreasonable.

A request for hearing must be made in writing within 60 days of receiving the OIG's notice of exclusion. The date you receive the Inspector General's notice of exclusion will be presumed to be five (5) days after the date of such notice unless there is a reasonable showing to the contrary.

Your request for hearing must be accompanied by a copy of the Inspector General's notice of exclusion, a statement as to the specific issues or findings with which you disagree, along with the basis for your contention that the specific issues and/or findings are incorrect.

Your request for hearing should be filed with the Departmental Appeals Board electronic filing system website (DAB E-File) at <https://dab.efile.hhs.gov>. To file a new appeal using DAB E-File, you must first register a new account, by: (1) clicking "Register" on the DAB E-File home page; (2) entering the information requested on the "Register New Account" form; then (3) clicking "Register Account" at the bottom of the form. If you have more than one representative, each representative must register separately to use DAB E-File on your behalf.

The e-mail address and password provided during registration must be entered on the login screen <https://dab.efile.hhs.gov/login> to access DAB E-File. A Registered User's access to DAB E-File is restricted to the appeals for which he or she is a party or authorized representative. Once registered, you may file your appeal by:

- Clicking the "File New Appeal" link on the "Manage Existing Appeals" screen, then clicking "Civil Remedies Division" on the "File New Appeal" screen; and
- Entering and uploading the requested information and documents on the "File New Appeal - Civil Remedies Division" form.

All documents must be submitted in Portable Document Format ("PDF"). Any document, including a request for hearing, will be deemed to have been filed on a given day, if it is uploaded to DAB E-File on or before 11:59 p.m. Eastern Standard Time of that day. A party that files a request for hearing via DAB E-File will be deemed to have consented to accept electronic service of appeal-related documents that OIG files, or CRD issues on behalf of the Administrative Law Judge, via DAB E-File. Correspondingly, OIG will also be deemed to have consented to electronic service. More detailed instructions on DAB E-File for CRD cases can be found on the link to CRD E-File Procedures on the File New Appeal Screen for CRD appeals.

In the event you are unable to file a hearing request using the DAB E-File system, you may submit all of the required information by mail to:

Director, Civil Remedies Division  
Departmental Appeals Board, MS 6132  
Room G-644, Cohen Building,  
330 Independence Avenue, SW  
Washington, D.C. 20201

(1/12 Edition)



DEPARTMENT OF HEALTH AND HUMAN SERVICES

## OFFICE OF INSPECTOR GENERAL

WASHINGTON, DC 20201



**Please read carefully and retain; it contains important information about your exclusion**

You are excluded from participation in any capacity in the Medicare, Medicaid, and all Federal health care programs as defined in section 42 U.S.C. 1320a-7b(f) of the Social Security Act.

This exclusion significantly limits your ability to work in any capacity in the health care field in the United States. No payment will be made by any Federal health care program (such as Medicare, Medicaid, Veterans Administration, TRICARE, the Military Direct Care System, etc.) for any items or services furnished, ordered, or prescribed by you in any capacity. For example, you are prohibited from submitting or causing claims to be submitted to Federal health care programs for items or services which you provide, and you are also prohibited from being employed to provide items or services which are billed to a Federal health care program. Such items or services could include administrative, clerical, and other activities that do not directly involve patient care or the provision of any health care related services.

An excluded person cannot be employed by a provider to perform functions paid for, in whole or in part, by any Federal health care program. Generally speaking, with rare exceptions, you may not be employed by a hospital, nursing home, or any other institutional provider that participates in Federal health care programs.

This exclusion does not affect your rights or the rights of your family members to collect benefits to which you or they may be entitled as a beneficiary under any Federal program such as Medicare, Medicaid, or Social Security.

Under 42 U.S.C. 1320a-7(a)(1)(D), the Office of Inspector General (OIG) is required to notify all applicable State agencies of your exclusion, and they are required to exclude you for the same period of time. The OIG's exclusion is in addition to any sanction an individual State or other Federal agency may impose under its own authority. Notice will be provided to the public and other parties in accordance with 42 U.S.C. 1320a-7(d) and (e).

Any service you provide is a non-covered service. Therefore, notwithstanding 42 U.S.C. 1395w-4(g)(4), you cannot submit claims or cause claims to be submitted for payment under any Federal health care program. Violations of the conditions of your exclusion may subject you to criminal prosecution and/or the imposition of civil monetary penalties and the denial of your reinstatement to the programs. See 42 U.S.C. 1320a-7a(a)(1)(D) and 42 C.F.R. 1001.3002(a)(2).

**YOUR REINSTATEMENT IS NOT AUTOMATIC.** You will not be reinstated at the conclusion of the minimum period of exclusion, or anytime thereafter, **UNLESS YOU APPLY TO THE OIG AND ARE GRANTED REINSTATEMENT** to the Medicare, Medicaid, and all Federal health care programs under the provisions of 42 U.S.C. 1320a-7(g) and 42 C.F.R. 1001.3001-3005. If you were excluded because you lost your license, you may not apply for reinstatement until your license has been restored by the licensing board or agency which originally took the disciplinary action against you. A request for reinstatement may be made to the OIG no earlier than 90 days prior to the expiration of the minimum period of exclusion. The request must be made in writing and should be sent to the Director, Exclusions Branch, Office of Investigations, P.O. Box 23871, Washington, DC 20026. Upon receipt of the request, the OIG will notify you of the information and documentation it requires to reach a decision on your reinstatement.

**Obtaining a license, moving to another State, or obtaining a provider number from a Medicare contractor, a State agency, or a Federal health care program does not reinstate your eligibility to participate in those programs.**

(04/13 Edition)



DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF INSPECTOR GENERAL

WASHINGTON, DC 20201



Deputy Director and Chief Counsel  
Appeals and Suspensions - Office of Legal Services  
Department of Health Care Services  
Attn: Kimberly Woodward  
1501 Capitol Avenue, Suite 71.5001  
P.O. Box 997413; MS 0010  
Sacramento, CA 95899-7413

~~SEP~~ 30 2016

Dear Deputy Director:

RE: Neil Alan Van Dyck, #72955-097  
c/o FCI Sheridan  
Federal Correctional Institution  
P.O. Box 5000  
Sheridan, OR 97378  
Exclusion Authority: 1128(a)(1)  
OI File Number: 9-11-4-0223-9

Podiatrist  
License Number: 2481  
SSN: 546-76-3300  
DOB: 10/12/50  
UPIN: T11352  
Medicare Provider#: 000E24810  
Medicaid Provider#: 4816019  
NPI: 1356450274

The subject identified above is being excluded from participation in any capacity in the Medicare, Medicaid, and all Federal health care programs as defined in section 1128B(f) of the Social Security Act (Act). This action is effective 20 days from the date shown on this letter.

If you have not already done so, please take the necessary action in accordance with section 1902(a)(39) of the Act to exclude the subject from participation in the title XIX program as of the effective date of this action.

**Please note that reinstatement to program reimbursement is not automatic. Therefore, no provider number should be issued to the subject or to any employer on behalf of the subject until you have been notified by the Office of Inspector General that the subject has been reinstated.**

In the interim, if the subject submits claims or causes claims to be submitted for items or services furnished under the Medicaid program after the effective date, the subject may be liable for additional civil penalties. Therefore, please notify Patrona Davis, Investigations Analyst at (415) 437-8049 if you receive any such claim.

Sincerely,

*Peter Clark*

Peter Clark  
Exclusions Director  
Office of Investigations



DEPARTMENT OF HEALTH AND HUMAN SERVICES

**OFFICE OF INSPECTOR GENERAL**

WASHINGTON, DC 20201



Executive Director  
California Board of Podiatric Medicine  
2005 Evergreen Street, Suite 1300  
Sacramento, CA 95815

SEP 30 2016

Dear Executive Director:

RE: Neil Alan Van Dyck, #72955-097  
c/o FCI Sheridan  
Federal Correctional Institution  
P.O. Box 5000  
Sheridan, OR 97378  
Exclusion Authority: 1128(a)(1)  
OI File Number: 9-11-4-0223-9

Podiatrist  
License Number: 2481  
SSN: 546-76-3300  
DOB: 10/12/50  
UPIN: T11352  
Medicare Provider#: 000E24810  
Medicaid Provider#: 4816019  
NPI: 1356450274

The subject identified above is being excluded from participation in any capacity in the Medicare, Medicaid, and all Federal health care programs as defined in section 1128B(f) of the Social Security Act (Act). These actions are effective 20 days from the date of this letter, and are the result of a conviction in the United States District Court, Eastern District of California of a criminal offense related to the delivery of an item or service under the Medicare or a State health care program.

Section 1128(e) of the Act requires that the appropriate licensing or certification authority be notified of such an exclusion, requested to make appropriate investigations and invoke sanctions in accordance with State law and policy, and asked to inform the Inspector General of this Department with respect to any actions taken in response to this request.

Accordingly, if you have not already done so, we request you to make appropriate investigations and invoke sanctions pursuant to applicable State law and policy. We also ask that you fully and currently inform us with respect to any action taken. The information to be supplied should be sent to Patrona Davis, Investigations Analyst at 90 7<sup>th</sup> Street, Suite 3-500, San Francisco, California 94103. That office may be reached at (415) 437-8049. Any questions you may have in this regard should be referred to that office.

Sincerely,

*Peter Clark*

Peter Clark  
Exclusions Director  
Office of Investigations