

The Office of Inspector General (OIG), Department of Defense (DoD), announced today that on April 17, 2000, Doctor Brij K. Mittal was found guilty of one count of conspiracy and three counts of the Antikickback Act after a three week long jury trial. Dr. Mittal faces a maximum sentence of five years in prison, a maximum fine of \$25,000 as well as restitution on each count, at sentencing, which is scheduled for August 4, 2000.

On November 18, 1998 Doctor Mittal was indicted by a grand jury in the Southern District of New York. The four-count indictment charged Mittal with conspiracy and violation of federal statutes, which prohibit the payment of kickbacks in exchange for the referral of Medicare patients for any items or services. On June 18, 1998 eleven physicians (including Dr. Mittal) and an office manager were arrested and charged with accepting cash payments of kickbacks in exchange for the referral of patients for durable medical equipment (DME), magnetic resonance imaging (MRIs) and other radiological services.

All of the physicians applied to and participated in the Medicare program, and several also participated in the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS, currently known as TRICARE) program. The arrests arose out of a joint investigation that initially targeted Ganesh Surgical Supplies Inc. (Ganesh), New Rochelle, New York and American Open MRI Center Inc. (American Open), Forest Hills, Queens, New York, each of which was paying kickbacks to physicians in exchange for the referral of patients.

Ganesh and American Open were charged with accepting kickback payments and began cooperating with the Government. Ganesh and American Open continued to make kickback payments until April 1998.