

Santa Fe cardiologist charged with health care fraud, obstruction of justice

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ALBUQUERQUE – Chief U.S. District Judge William P. “Chip” Johnson sentenced Roy G. Heilbron in federal court in Albuquerque, N.M., July 10 to 51 months of imprisonment for his convictions on health care fraud and obstruction of justice charges.

The sentence was announced by U.S. Attorney John C. Anderson, Acting Special Agent in Charge Maxwell D. Marker of the FBI’s Albuquerque Division, and U.S. Marshal Sonya K. Chavez.

Heilbron, 54, a cardiologist residing in Santa Fe, N.M., was sentenced to 24 months for his conviction on a health care fraud charge, and 27 months for his conviction on an obstruction of justice charge arising out of his attempt to obstruct and impede sentencing proceedings on the health care fraud case.

Heilbron was ordered to serve the two sentences consecutively for an aggregate of 51 months of imprisonment. Heilbron will be on supervised release for three years after completing his prison sentence. Heilbron also was ordered to pay \$623,477.25 in restitution to the victims of his health care fraud crimes.

A federal grand jury indicted Heilbron in June 2015, and charged him with health care fraud and wire fraud offenses. The 24-count indictment charged Heilbron, a physician who was then licensed to practice medicine in New Mexico who specialized in cardiology, with executing a scheme to defraud Medicare and other health care benefit programs between January 2010 and May 2011 by submitting false and fraudulent claims. According to the health care fraud indictment, Heilbron executed his scheme by:

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Performing and billing for a wide array of unnecessary tests on every new patient and submitting false diagnoses with the billing claims to justify the tests to the insurance plans;

Inserting false symptoms, observations, and diagnoses into patients' medical charts to provide written support for the tests he ordered or performed;

Inserting photocopied clinical notes, diagnostic test results, and ultrasound images in patients' medical charts to create a written record of procedures that were either not performed or that had not been sufficiently documented to support the billing;

Submitting the photocopied notes, results, and images to the insurance plans when the plans requested documentation to support the claims submitted;

Submitting claims to health plans for procedures that were never performed;

Submitting claims for procedures performed on two consecutive dates to increase the amount paid for services that were actually rendered together on one single date; and

Misusing billing codes and modifiers in order to increase his rate of reimbursement.

On Feb. 17, 2017, Heilbron pled guilty to one count of health care fraud. In his plea agreement, Heilbron acknowledged that at all times relevant to the crimes charged in the indictment, he was a doctor involved in the private practice of medicine. Heilbron further admitted from Dec. 2009 through Dec. 2011, he provided medical services as A Well for Health Church, Inc., a medical clinic in Santa Fe, where he contracted with several health care benefit programs including Blue Cross and Blue Shield of New Mexico and Medicare.

Under the terms of those contracts, Heilbron would bill the programs for medical services he provided to patients covered by those programs and included his medical diagnosis or other justifications for the services for which he requested compensation.

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In his plea agreement, Heilbron admitted devising and executing a scheme to deceive and obtain money from health care programs that covered his patients by misrepresenting his patients' diagnoses.

On Aug. 7, 2017, Heilbron's attorney filed a motion to continue Heilbron's sentencing hearing on the health care fraud charge, which was then scheduled for Aug. 28, 2017, to permit Heilbron to begin chemotherapy in Costa Rica for prostate cancer.

The motion included two attachments: a one-page "Treatment Protocol for Roy Heilbron" dated Aug. 3, 2017, which purported to detail Heilbron's alleged prostate cancer diagnosis, and a three-page "Clinical Summary" dated June 24, 2017, which purported to outline a four-cycle chemotherapy treatment plan. The two documents purported to be authored by a physician with offices in San Jose, Costa Rica, and Miami, Fla.

On Aug. 9, 2017, a U.S. Magistrate Judge issued a warrant for Heilbron's arrest based on a criminal complaint charging him with making and presenting fraudulent documents regarding his medical condition to a U.S. Probation Officer, and submitting the fraudulent documents for the purpose of postponing or avoiding sentencing in the pending health care fraud prosecution.

The complaint outlined the FBI's investigation into the claims made in the "Clinical Summary" and "Treatment Protocol," and asserted that Heilbron created the two documents himself and that Heilbron was not a patient of the physician whose name appears on the fraudulent documents.

According to the complaint, Heilbron provided the fraudulent documents to his U.S. Probation Officer on Aug. 4, 2017, in support of a request to postpone his sentencing hearing. Heilbron was subsequently charged on Sept. 6, 2017, in a two-count indictment setting forth the same charges as those contained in the complaint. The indictment alleged that Heilbron committed the two crimes in Bernalillo County, N.M., and elsewhere, between Aug. 3, 2017 and Aug. 7, 2017.

On Feb. 2, 2018, Heilbron entered a guilty plea to the obstruction of justice charge of the

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indictment. In his plea agreement, Heilbron acknowledged that he previously pled guilty to a health care fraud charge on Feb. 17, 2017, and had a sentencing hearing on Aug. 28, 2017.

Heilbron also admitted that on Aug. 4, 2017, he sent his Probation Officer an email requesting to postpone his sentencing hearing based on the representation that he was scheduled to begin chemotherapy treatments in Costa Rica on Aug. 14, 2017.

In support of his request, Heilbron attached a clinical summary and treatment protocol purportedly authored by Heilbron's physician. Heilbron admitted that the email was false and created for the purpose of delaying or avoiding the sentencing hearing on his health care fraud plea, and at the time he made the request for the postponement, he was on vacation in Europe with no intention of beginning chemotherapy treatments in Costa Rica beginning on Aug. 14, 2017.

In entering the guilty plea, Heilbron acknowledged that when he sent the false email, he was on release under a July 1, 2015 order of the U.S. District Court for the District of New Mexico relating to his health care fraud charge that put him on notice of the effect of committing crimes while on presentence release.

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