



United States Attorney's Office
District of Columbia

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PRESS RELEASE

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District of Columbia Doctor Sentenced to 53 Months in Prison for Health Care Fraud

Washington, D.C. - U.S. Attorney Ronald C. Machen, Jr. and D.C. Inspector General Charles J. Willoughby announced today that on Friday, March 19, 2010, Dr. Ehigiator O. Akhigbe, a 56 year-old medical doctor licensed in the District of Columbia who practiced medicine under the name of Mercigab Medical Center and Pain Clinic, was sentenced to 53 months of incarceration, followed by 3 years of supervised release, ordered to pay a special assessment of \$1700, and ordered to forfeit \$133,418 of proceeds derived from his health care fraud conviction, by Visiting Senior United States District Court Judge Sterling Johnson, Jr.

Previously, on December 17, 2009, Dr. Akhigbe was found guilty by a federal jury of 1 count of Health Care Fraud and 16 counts of False Statements in Health Care Matters.

According to the government's evidence, during the period from December 2002 through May 2005, defendant Akhigbe repeatedly submitted false claims to Amerigroup Corporation ("Amerigroup"), which contracted with the District of Columbia Medicaid Program to provide health care services to low-income D.C. residents. Defendant Akhigbe, who prepared and submitted his own billing to Amerigroup, repeatedly submitted false claims in which he purported to have performed invasive surgical procedures on D.C. Medicaid patients that were never performed; billed for "ghost office" visits that never occurred; and continued to bill for a period of time after a minor or major procedure during which no additional bills could be submitted, in violation of Global Billing rules. To substantiate the false billing, the defendant created false progress notes indicating the dates, times, and surgical procedures that he claimed to have performed, and inserted the false progress notes into his patients' medical files to corroborate a number of the false claims.

During the trial, the defense claimed that an individual, who is now deceased, was responsible for preparing and submitting the false claims to Amerigroup. The defense also called two individuals currently employed by defendant Akhigbe, who testified that it was indeed the deceased individual who was responsible for the defendant's false billing. In rebuttal, the government established that neither the deceased individual nor the defense witnesses worked for the defendant during the relevant time.

U.S. Attorney Machen said that the long sentence imposed on Dr. Akhigbe by Judge Johnson Jr. reflects how extraordinarily serious the court treats health care fraud by individuals

who are entrusted to provide medical care to the poor, but instead, degrade the health care system to line their own pockets. “We are pleased with the Judge’s sentence in this case because it sends a clear message to those who abuse the health care system that the price they pay for their fraudulent conduct will be the loss of their liberty for an extended period of time. The U.S. Attorney's Office, the Federal Bureau of Investigation, and the District of Columbia Medicaid Fraud Control Unit remain committed to uncovering and prosecuting health care professionals who abuse the public trust and enrich themselves through blatant fraud and abuse.”

U.S. Attorney Machen and Inspector General Willoughby extend their appreciation to Amerigroup’s internal fraud investigators who first uncovered and reported defendant Akhigbe’s conduct. They also praised the outstanding efforts of current and former Special Agents of the Health Care Fraud Unit at the Federal Bureau of Investigation's Washington Field Office and Criminal Investigator Sandy Adams and Auditor Clark Geiger of the D.C. Medicaid Fraud Control Unit. They also commended the efforts of Paralegal Specialists Diane Hayes, Tasha Harris, Mary Treanor, Carolyn Cody, Margaret McCabe, Sarah Reis; Legal Assistants Sierra Tate and Jamasee Lucas; and Litigation Support Specialists Joseph Calvarese and Josh Ellen. Finally, they praised the work of Special Assistant U.S. Attorney Jacqueline Schesnol from the DC Medicaid Fraud Control Unit and Assistant U.S. Assistant Attorney Lionel André, who indicted and prosecuted the case.

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