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## NEWS



## Sugar Land Physician Sentenced to Federal Prison for Diagnostic Testing Scam

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HOUSTON – Donald Gibson II, 57, of Sugar Land, is headed to prison following his conviction of conspiracy to commit health care fraud relating to medically unnecessary diagnostic testing and physical therapy, United States Attorney Kenneth Magidson announced today. Gibson entered a plea of guilty to conspiracy to commit health care fraud on April 1, 2013.

Today, U.S. District Judge Lynn H. Hughes, who accepted the guilty plea, took into consideration Gibson's cooperation with federal authorities and handed him a sentence of 52 months in federal prison. Judge Hughes also ordered restitution in the amount of \$6,943,478.87. The United States previously seized approximately \$2.62 million in Gibson's assets and froze another \$505,455 Medicare was to pay to Gibson. As a result, these two amounts totaling \$3,129,175 will be applied to Gibson's restitution and subsequently returned to Medicare program.

As part of the scheme to defraud, Gibson ordered, prescribed and authorized medically unnecessary diagnostic tests and other procedures which included allergy tests, pulmonary function tests, vestibular tests, urodynamic tests and physical therapy, among others. These services were then billed to Medicare and Medicaid for payment under Gibson's billing number. Gibson worked in conjunction with the owners and operators of medical clinics and diagnostic testing centers in the Houston area. As part of the scheme, Medicare patients were paid to show up at the clinics for testing. Patient recruiters were also paid for recruiting and bringing patients to the clinics for the unneeded testing.

From January 2007 through January 2012, Gibson caused more than \$19.4 million in medical claims to the Medicare and Texas Medicaid Programs. As a result, Medicare deposited approximately \$8.5 million into a bank account owned and controlled by Gibson.

Gibson's co-defendant, Sunday Joseph Edem, is scheduled to be sentenced by Judge Hughes on Nov. 18, 2013.

This case is the result of a joint investigation involving multiple federal and state agencies including agents and investigators of the U.S. Department of Health and Human Services – Office of Inspector General, Railroad Retirement Board, Secret Service, Drug Enforcement Administration, FBI and the Texas Attorney General's Medicaid Fraud Control Unit. Special Assistant U.S. Attorney Justin Blan and Assistant U.S. Attorney Andrew Leuchtmann are prosecuting this case with Assistant U.S. Attorney Kristine Rollinson overseeing the asset forfeiture.

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