

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF LANCASTER

Magisterial District Number: 02-1-02
MDJ: Hon. DAVID P. MILLER, ESQ
Address: 2205 OREGON PIKE
LANCASTER, PA 17601

Telephone: (717)569-8774



POLICE CRIMINAL COMPLAINT
COMMONWEALTH OF PENNSYLVANIA

DEFENDANT:

BASSAM

First Name

(NAME and ADDRESS):

M.A.

Middle Name

EL-BORNO

Last Name

1051 BLUESTONE DRIVE, LITITZ, PA 17543

Ge
n

NCIC Extradition Code Type

<input checked="" type="checkbox"/> 1-Felony Full	<input type="checkbox"/> 5-Felony Pending Extradition	<input type="checkbox"/> C-Misdemeanor Surrounding States	<input type="checkbox"/> Distance: _____
<input type="checkbox"/> 2-Felony Limited	<input type="checkbox"/> 6-Felony Pending Extradition Determ.	<input type="checkbox"/> D-Misdemeanor No Extradition	
<input type="checkbox"/> 3-Felony Surrounding States	<input type="checkbox"/> A-Misdemeanor Full	<input type="checkbox"/> E-Misdemeanor Pending Extradition	
<input type="checkbox"/> 4-Felony No Extradition	<input type="checkbox"/> B-Misdemeanor Limited	<input type="checkbox"/> F-Misdemeanor Pending Extradition	

DEFENDANT IDENTIFICATION INFORMATION

Docket Number	Date Filed 06/18/2020	OTN/LiveScan Number	Complaint/Incident Number MF106-022D	Request Lab Services? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
GENDER <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	DOB 03/01/1956	POB Saudi Arabia	Add'l DOB / /	Co-Defendant(s) <input type="checkbox"/>
First Name		Middle Name	Last Name	Gen.
AKA				
RACE <input checked="" type="checkbox"/> White <input type="checkbox"/> Asian <input type="checkbox"/> Black <input type="checkbox"/> Native American <input type="checkbox"/> Unknown	ETHNICITY <input type="checkbox"/> Hispanic <input type="checkbox"/> Non-Hispanic <input type="checkbox"/> Unknown			
Hair Color <input type="checkbox"/> GRY (Gray) <input type="checkbox"/> BLK (Black) <input type="checkbox"/> BLN (Blonde / Strawberry)	<input type="checkbox"/> RED (Red/Aubn.) <input type="checkbox"/> ONG (Orange)	<input type="checkbox"/> SDY (Sandy) <input type="checkbox"/> WHI (White)	<input type="checkbox"/> BLU (Blue) <input checked="" type="checkbox"/> XXX (Unk./Bald)	<input type="checkbox"/> PLE (Purple) <input type="checkbox"/> GRN (Green) <input type="checkbox"/> BRO (Brown) <input type="checkbox"/> PNK (Pink)
Eye Color <input type="checkbox"/> BLK (Black) <input type="checkbox"/> HAZ (Hazel)	<input type="checkbox"/> BLU (Blue) <input type="checkbox"/> MAR (Maroon)	<input type="checkbox"/> BRO (Brown) <input type="checkbox"/> PNK (Pink)	<input type="checkbox"/> GRN (Green) <input type="checkbox"/> MUL (Multicolored)	<input type="checkbox"/> GRY (Gray) <input type="checkbox"/> XXX (Unknown)
DNA <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	DNA Location			WEIGHT (lbs.) 150
FBI Number	MNU Number			Ft. HEIGHT in. 5 5
Defendant Fingerprinted <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Fingerprint Classification:			

DEFENDANT VEHICLE INFORMATION

Plate #	State	Haz mat <input type="checkbox"/>	Registration Sticker (MM/YY) /	Comm'l Veh. Ind. <input type="checkbox"/>	School Veh. <input type="checkbox"/>	Oth. NCIC Veh. Code	Reg. same as Def. <input type="checkbox"/>
VIN	Year	Make	Model	Style	Color		

Office of the attorney for the Commonwealth Approved Disapproved because: _____

(The attorney for the Commonwealth may require that the complaint, arrest warrant affidavit, or both be approved by the attorney for the Commonwealth prior to filing. See Pa.R.Crim.P. 507).

SUSANN B. MORRISON, SDAG
(Name of the attorney for the Commonwealth)

Susann B. Morrison
(Signature of the attorney for the Commonwealth)

06/18/2020
(Date)

I, NA DON HEFFNER/SA TUCKER BEECHER
(Name of the Affiant)

BNI #633/BCI #505

(PSP/IMPOETC -Assigned Affiant ID Number & Badge #

of Pennsylvania Office of Attorney General
(Identify Department or Agency Represented and Political Subdivision)

PA0222400
(Police Agency ORI Number)

do hereby state: (check appropriate box)

1. I accuse the above named defendant who lives at the address set forth above
 I accuse the defendant whose name is unknown to me but who is described as _____

I accuse the defendant whose name and popular designation or nickname are unknown to me and whom I have therefore designated as John Doe or Jane Doe

with violating the penal laws of the Commonwealth of Pennsylvania at [101] 160 North Pointe Boulevard,
Lancaster, Pa 17601 (Subdivision Code) (Place-Political Subdivision)

in LANCASTER County

[36]

(County Code)

on or about MAY 27, 2015 THROUGH SEPTEMBER 23, 2019

POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed: / /	OTN/LiveScan Number	Complaint/Incident Number MF106-022D
Defendant Name:	First: BASSAM	Middle: M.A.	Last: EL-BORNO

The acts committed by the accused are described below with each Act of Assembly or statute allegedly violated, if appropriate. When there is more than one offense, each offense should be numbered chronologically. (Set forth a brief summary of the facts sufficient to advise the defendant of the nature of the offense(s) charged. A citation to the statute(s) allegedly violated, without more, is not sufficient. In a summary case, you must cite the specific section(s) and subsection(s) of the statute(s) or ordinance(s) allegedly violated. The age of the victim at the time of the offense may be included if known. In addition, social security numbers and financial information (e.g. PINs) should not be listed. If the identity of an account must be established, list only the last four digits. 204 PA.Code §§ 213.1 - 213.7.)

<input type="checkbox"/> Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older <u>0</u>
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<input checked="" type="checkbox"/>	1	1407	(A)(1)	of the	TITLE 62	1	F3	2699	26A
Lead?	Offense #	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code

PennDOT Data (if applicable)	Accident Number	<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (include the name of statute or ordinance): **MEDICAID FRAUD - SUBMISSION OF FALSE INFORMATION**

Acts of the accused associated with this Offense: Knowingly or intentionally submit false information, for the purpose of obtaining greater compensation than that to which he is legally entitled. In a continuous course of conduct starting on or around January 2, 2018 through October 3, 2018, Bassam El-Borno did knowingly and intentionally submit claims with false information, for the purpose of obtaining greater compensation than that which he is legally entitled. See Affidavit of Probable Cause attached hereto and incorporated herein by reference.

<input type="checkbox"/> Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older <u>0</u>
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<input type="checkbox"/>	2	1407	(A)(4)	of the	TITLE 62	1	F3	2699	26A
Lead?	Offense #	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code

PennDOT Data (if applicable)	Accident Number	<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (include the name of statute or ordinance): **MEDICAID FRAUD - SERVICES NOT RENDERED**

Acts of the accused associated with this Offense: Knowingly or intentionally submit a claim for services, supplies or equipment which were not rendered to a recipient. In a continuous course of conduct starting on or around January 2, 2018 through October 3, 2018, Bassam El-Borno did knowingly and intentionally submit claims for office visits to Medicaid for services which were not rendered. See Affidavit of Probable Cause attached hereto and incorporated herein by reference.

<input type="checkbox"/> Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older <u>0</u>
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<input type="checkbox"/>	3	1407	(A)(6)	of the	TITLE 62	1	F3	2699	26A
Lead?	Offense #	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code

PennDOT Data (if applicable)	Accident Number	<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (include the name of statute or ordinance): **MEDICAID FRAUD -BELOW ACCEPTED MEDICAL TREATMENT STANDARDS**

Acts of the accused associated with this Offense: Knowingly or intentionally submit a claim for services, supplies or equipment which are not documented in the record in the prescribed manner and are of little or no benefit to the recipient, are below the accepted medical treatment standards, or are unneeded by the recipient. In a continuous course of conduct starting on or around January 2, 2018 through October 3, 2018, Bassam El-Borno did knowingly and intentionally submit claims to Medicaid for services which were below accepted medical treatment standards. See Affidavit of Probable Cause attached hereto and incorporated herein by reference.

POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed: / /	OTN/LiveScan Number	Complaint/Incident Number MF106-022D
Defendant Name:	First: BASSAM	Middle: M.A.	Last: EL-BORNO

<input type="checkbox"/> Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older 0
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<input type="checkbox"/>	4	4117	(A)(2)	of the	TITLE 18	1	F3	2699	26A
Lead?	Offense#	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code

PennDOT Data (if applicable)	Accident Number		<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (include the name of statute or ordinance): **INSURANCE FRAUD - FALSE CLAIM**

Acts of the accused associated with this Offense: Knowingly and with the intent to defraud any insurer or self-insured, presents or causes to be presented to any insurer or self-insured any statement forming a part of, or in support of, a claim that contains any false, incomplete or misleading information concerning any fact or thing material to the claim. In a continuous course of conduct starting on or around September 18, 2017 through June 26, 2018, Bassam El-Borno did knowingly and with the intent to defraud any insurer, present to insurance companies, CHIP/ United Healthcare and Optum, statements forming a part of, or in support of, claims that contained false, incomplete or misleading information concerning any fact or thing material to the claims. See Affidavit of Probable Cause attached hereto and incorporated herein by reference.

<input type="checkbox"/> Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older 0
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<input type="checkbox"/>	5	3922	(A)(1)	of the	TITLE 18	1	F3	2699	26A
Lead?	Offense#	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code

PennDOT Data (if applicable)	Accident Number		<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (include the name of statute or ordinance): **THEFT BY DECEPTION**

Acts of the accused associated with this Offense: Intentionally creates or reinforces a false impression, including false impressions as to law, value, intention or other state of mind. In a continuous course of conduct starting on or around May 27, 2015 through September 23, 2019, Bassam El-Borno created or reinforced a false impression, including false impressions as to law, value, intention or other state of mind by submitting fraudulent claims to the Medicaid Program, Medicare Program, CHIP/ United Healthcare and Optum insurance companies, causing the theft of over \$2,000. See Affidavit of Probable Cause attached hereto and incorporated herein by reference.

<input type="checkbox"/> Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older 0
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<input type="checkbox"/>	6	780-113	(A)(14)	of the	TITLE 35	1	F	5503	1840
Lead?	Offense#	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code

PennDOT Data (if applicable)	Accident Number		<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (include the name of statute or ordinance): **CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT - PRESCRIBING OUTSIDE THE GOOD FAITH PRACTICE OF MEDICINE**

Acts of the accused associated with this Offense: The administration, dispensing, delivery, gift or prescription of any controlled substance by any practitioner or professional assistant under the practitioner's direction and supervision unless done in good faith in the course of his professional practice, within the scope of the patient relationship, in accordance with treatment principles accepted by all reasonable segments of the medical profession. In a continuous course of conduct starting on or around May 27, 2015 through September 23, 2019, Bassam El-Borno prescribed controlled substances that were not done in good faith in the course of professional practice, within the scope of the patient relationship, and in accordance with treatment principles accepted by all reasonable segments of the medical profession. See Affidavit of Probable Cause attached hereto and incorporated herein by reference.

POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed: / /	OTN/LiveScan Number	Complaint/Incident Number MF106-022D
Defendant Name:	First: BASSAM	Middle: M.A.	Last: EL-BORNO

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older 0
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<input type="checkbox"/>	7	780-113	(A)(21)	of the	TITLE 35	1	M	5503	2642
Lead?	Offense#	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code	
PennDOT Data (if applicable)		Accident Number				<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone	

Statute Description (include the name of statute or ordinance): **CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT - FAILURE TO KEEP RECORDS**

Acts of the accused associated with this Offense: The refusal or failure to make, keep or furnish any record, notification, order form, statement, invoice or information required under this act. In a continuous course of conduct starting on or around May 27, 2015 through September 23, 2019, Bassam El-Borno failed to make, keep or furnish any medical records as required by the Controlled Substance, Drug, Device and Cosmetic Act, for a patient of his practice. See Affidavit of Probable Cause attached hereto and incorporated herein by reference.

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older 0
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<input type="checkbox"/>	8	5703	(1)	of the	TITLE 18	1	F3	5708	90Z
Lead?	Offense#	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code	
PennDOT Data (if applicable)		Accident Number				<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone	

Statute Description (include the name of statute or ordinance): **INTERCEPTION, DISCLOSURE OR USE OF WIRE, ELECTRONIC OR ORAL COMMUNICATIONS**

Acts of the accused associated with this Offense: Intentionally intercepts, endeavors to intercept, or procures any other person to intercept or endeavor to intercept any wire, electronic or oral communication. On or around July 30, 2019, Bassam El-Borno did intentionally intercept oral telephonic communication by recording a phone conversation between himself and three individuals, without their consent and even after Bassam El-Borno stated to the three individuals he was not recording the conversation, when in fact he was. See Affidavit of Probable Cause attached hereto and incorporated herein by reference.

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older _____
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<input type="checkbox"/>				of the					
Lead?	Offense#	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code	
PennDOT Data (if applicable)		Accident Number				<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone	

Statute Description (include the name of statute or ordinance):

Acts of the accused associated with this Offense:

POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed: / /	OTN/LiveScan Number	Complaint/Incident Number MF106-022D
Defendant Name:	First: BASSAM	Middle: M.A.	Last: EL-BORNO

AFFIDAVIT of PROBABLE CAUSE

Your Affiants are:

Don Heffner, Badge #633, a Narcotics Agent with the Pennsylvania Office of Attorney General, Bureau of Narcotics Investigation and Drug Control, Drug Diversion Unit – Region #3, located at 6400 Flank Drive, Suite 1300, Harrisburg, PA 17112.

Tucker Beecher, Badge #505, a Special Agent with the Pennsylvania Office of Attorney General, Bureau of Criminal Investigations, Medicaid Fraud Control Section, located at Strawberry Square – 7th Floor, Harrisburg, PA 17101.

John Riley, Badge #A1109, a Special Agent with the United States Department of Health and Human Services, Office of Inspector General, Office of Investigations, located at the Ronald Reagan Federal Building, 228 Walnut Street – 11th floor, Harrisburg, PA 17101.

On June 12, 2020, the Forty-Fifth Statewide Investigating Grand Jury issued Presentment #6 recommending the arrest of Bassam M.A. El-Borno for violations of the Medicaid Fraud Control Act and the Pennsylvania Crimes Code. The aforementioned Presentment was accepted by the Honorable Judge Richard A. Lewis, Supervising Judge of the Forty-Fifth Statewide Investigating Grand Jury by Order dated June 15, 2020. A copy of the Presentment and the Order accepting the Presentment is attached hereto and incorporated herein by reference.

Having read and reviewed the Presentment, and after having participated in this investigation and considering all the facts and circumstances, your Affiants are adopting the Presentment and incorporating it fully into this Affidavit of Probable Cause. Your Affiants aver that the testimony of the investigators who appeared before the Forty-Fifth Statewide Investigating Grand Jury is consistent with the information contained within Presentment #6 and the information developed within the course of the investigation specified herein. Furthermore, Presentment #6 shows on it's face that it is based upon evidence which the Forty-Fifth Statewide Investigating Grand Jury reviewed and evaluated which included sworn testimony of investigators appearing and physical evidence presented to it. Your Affiants have reviewed the evidence presented before the Forty-Fifth Statewide Investigating Grand Jury and finds that it comports with the findings of the general investigation.

I, NA DON HEFFNER/SA TUCKER BEECHER, BEING DULY SWORN ACCORDING TO THE LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE FOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

I CERTIFY THAT THIS FILING COMPLIES WITH THE PROVISIONS OF THE CASE RECORDS PUBLIC ACCESS POLICY OF THE UNIFIED JUDICIAL SYSTEM OF PENNSYLVANIA THAT REQUIRE FILING CONFIDENTIAL INFORMATION AND DOCUMENTS DIFFERENTLY THAN NON-CONFIDENTIAL INFORMATION AND DOCUMENTS.



Don Heffner #633
Tucker Beecher #505
John Riley #A1109

(Signature of Affiant)

Sworn to me and subscribed before me this 18 day of

6/18/20 Date

[Signature]

June 2020

Magisterial District Judge

Comm' Exp 1/2024

POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed: / /	OTN/LiveScan Number	Complaint/Incident Number MF106-022D
Defendant Name:	First: BASSAM	Middle: M.A.	Last: EL-BORNO

- I ask that a warrant of arrest or a summons be issued and that the defendant be required to answer the charges I have made.
- I verify that the facts set forth in this complaint are true and correct to the best of my knowledge or information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 Pa.C.S. § 4904) relating to unsworn falsification to authorities.
- This complaint consists of the preceding page(s) numbered 1 through .
- I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

The acts committed by the accused, as listed and hereafter, were against the peace and dignity of the Commonwealth of Pennsylvania and were contrary to the Act(s) of the Assembly, or in violation of the statutes cited.

(Before a warrant of arrest can be issued, an affidavit of probable cause must be completed, sworn to before the issuing authority, and attached.)

_____ #505
 _____ #633
 _____ #A1109
 (Date) _____ (Year) _____ (Signature of Affiant)

AND NOW, on this date 6/10/20 I certify that the complaint has been properly completed and verified.
 An affidavit of probable cause must be completed before a warrant can be issued.

02-1-02
 (Magisterial District Court Number)

 (Issuing Authority)



INTRODUCTION

We, the members of the Forty-Fifth Statewide Investigating Grand Jury, having received and reviewed evidence regarding violations of the Crimes Code, Controlled Substance, Drug, Device and Cosmetic Act and Public Welfare Code occurring in Lancaster County, Pennsylvania, pursuant to Notice of Submission of Investigation No. 17, do hereby make the following findings of fact and recommendation of charges.

FINDINGS OF FACT

The Grand Jury conducted an investigation into the prescribing and treatment practices of Bassam El-Borno, M.D. ("El-Borno"), a Lancaster County physician who specializes in psychiatry. During the course of the investigation, the Grand Jury heard testimony that El-Borno prescribed controlled substances below medical treatment standards, failed to conduct proper initial examinations and follow-up assessments with his patients for whom he was prescribing controlled substances, failed to maintain proper medical records, submitted claims to the Medical Assistance Program and to other insurers for services not rendered, and illegally intercepted a telephone conversation.

The Grand Jury heard testimony from investigators that the Pennsylvania Office of Attorney General opened a criminal investigation into El-Borno's practices based upon a complaint received from a patient named S.C. who claimed that his ex-girlfriend picked up his Adderall prescriptions from El-Borno's office, had them filled, and kept the Adderall. Subsequent investigation would reveal that patients were paying cash to obtain prescriptions for controlled substances without even seeing El-Borno. Agents conducted surveillance at El-Borno's medical office located at 160 North Pointe Boulevard in Lancaster and observed envelopes with patient names written on them that were taped to the outside of El-Borno's office

door, accessible to the public. Patients advised that the envelopes contained their prescriptions for controlled substances and sometimes contained sample medication. During their surveillance, investigators also observed multiple patients go into El-Borno's office and leave after only a few minutes.

A search warrant was executed at El-Borno's medical office at 160 North Pointe Boulevard in Lancaster on September 26, 2019 and multiple patient files, billing information and various other items were seized. Law enforcement agents obtained 39 patient files from El-Borno's medical office and found them all to be similarly lacking documentation of an initial clinical evaluation, proper diagnosis and ongoing clinical assessment while El-Borno continuously prescribed controlled substances. The one exception, L.W.'s patient file, contained documentation that appeared to be prepared after the fact in response to an attorney request related to potential litigation. Agents identified a sample of patients to interview and the grand jurors heard testimony of the similar accounts shared by the patients regarding how El-Borno ran his medical practice. In October 2019, investigators confirmed that El-Borno's answering service was advising patients that his office was closed and that El-Borno would not be back "for awhile."

S.C.

S.C. advised investigators that his first visit to El-Borno's office lasted approximately 5-10 minutes and that El-Borno diagnosed him with Attention Deficit Disorder ("ADD") after viewing him in the waiting room. El-Borno wrote him a prescription for Adderall. The Grand Jury learned that Adderall is a Schedule II controlled substance, in the same category as cocaine due to its highly addictive qualities.

Thereafter, S.C. did not see El-Borno, but would pay \$50.00 to Mary Christian ("Christian"), the office secretary, in exchange for a new prescription. If the prescriptions were not yet written, Christian would write the prescriptions herself from a prescription pad that she kept in her desk. The prescriptions were pre-signed by El-Borno.

The Grand Jury learned that when the search warrant was executed at El-Borno's office, a file in the name of S.C. was located. The file contained only five pages which included a photograph of S.C., a patient information sheet, a prescription record, and insurance information. There were no notes of an initial evaluation or diagnosis, and no progress notes or indication of follow-up assessments for S.C. despite the fact that El-Borno had written 14 prescriptions for Adderall for S.C. from July 11, 2017 through August 3, 2018.

B.S.

Investigators also interviewed B.S., the former girlfriend of S.C. She advised that she met El-Borno while he was treating her son. After meeting El-Borno through her son's appointments, B.S. called El-Borno and asked that he prescribe Prozac for her, a non-controlled substance. El-Borno wrote the prescription without having an appointment with B.S.

The Grand Jury was informed that in 2017, B.S. obtained coverage through the Medical Assistance Program and reported having one appointment with El-Borno that lasted about 20 minutes in duration. During this appointment, El-Borno began prescribing her Adderall. This was the only appointment B.S. had with El-Borno. However, a review of the claims data revealed that El-Borno submitted claims for office visits with B.S. after the initial visit on 10 occasions from January 2, 2018 through October 3, 2018. The office visits were coded 99213: Evaluation and Management, Office Visit, Established Patient, and 15-minute Face-to-Face. The Medical Assistance Program paid El-Borno \$859.32 for these fraudulent claims.

B.S. reported that El-Borno's office would call when her prescription was ready, or, she would call the office to request the prescription. When she picked up her prescriptions, El-Borno would sometimes come into the waiting room and engage in small talk with her; otherwise, there was no office visit or examination conducted by El-Borno. On at least four occasions, her prescriptions were posted on the outside of the office door in an envelope with her name on it.

When the search warrant was executed at El-Borno's office, a file for B.S. was located. The file contained a photograph of B.S., a patient information sheet, a prescription record, and insurance information. There were no notes of an initial evaluation and diagnosis, and no progress notes or indication of follow-up assessments for B.S. despite the fact that El-Borno had written 23 prescriptions for Adderall for her from December 4, 2017 through September 27, 2019.

MARY CHRISTIAN

While law enforcement agents were serving the search warrant at El-Borno's medical office, Christian arrived and was interviewed. She stated that she has been working as a secretary for El-Borno since 2004. She was responsible for filing documents, requesting insurance information from patients, taking payments and contacting patients via telephone. Christian advised that she did not know what services El-Borno provided to patients and that he handled all of the billing of services to the insurance providers.

The Grand Jury heard from investigators that Christian initially stated that she would fill out prescriptions for patients and that El-Borno would sign them; however, she then stated that El-Borno would sign blank prescriptions and she would fill out the prescription information and give them to the patients. Sometimes she would mail the prescriptions to patients and sometimes El-Borno would tape prescriptions and drug samples to the office door for pick-up. She advised

that El-Borno used to charge patients \$50.00 for prescriptions but recently increased the rate to \$75.00. This payment would cover the prescription and a follow-up call. Most of the calls were from Christian, but some were from El-Borno. She confirmed that she is not a licensed medical professional. She also told agents that El-Borno gave Adderall samples to patients to "try" from a supply of pills that patients had returned to the office.

Christian advised that El-Borno prescribed Klonopin and Adderall for her, which she has delivered to El-Borno's office. She stated that there were times when she wrote her own prescription, but El-Borno would review it before it was filled.

The Grand Jury learned that when the search warrant was executed at El-Borno's office, there was no patient file and no prescription medication record for Christian despite the fact that El-Borno issued 39 prescriptions for Adderall, Clonazepam (Klonopin) and Alprazolam (Xanax), all controlled substances, to Christian from August 15, 2016 through September 16, 2019. She was prescribed both Adderall 30 mg and Adderall XR 30 mg during that time. When El-Borno arrived at the medical office during the execution of the search warrant, he confirmed that there was no patient file for Christian.

J.P.

The Grand Jury was informed that investigators interviewed J.P., another one of El-Borno's patients. J.P. met El-Borno during a doctor appointment for her son in 2015. Her daughter was also a patient at that time. She stated that she tried her son's Adderall and liked the way it made her feel, so she asked El-Borno to prescribe it to her. She explained that it allowed her to accomplish numerous things with focus and tremendous energy. However, after a while, she began craving more and more of the drug and began taking some of the Adderall prescribed

for her children in addition to her own pills. She admitted to taking up to 80 mg of Adderall per day. Her addiction worsened as time went on and the effects of the Adderall began to wane.

Agents testified that the U.S. Food and Drug Administration maximum recommended dosage for Adderall is 40 mg. It is recommended that the initial dosage be no more than 10 mg once or twice a day. El-Borno consistently prescribed an initial dosage of 30 mg to his patients.

J.P. advised that El-Borno charged \$50.00 per month for her prescriptions and she would pay Christian in cash. J.P. recalled occasions when El-Borno referred to himself as a "drug dealer" and to his patients as "drug addicts." J.P. stated that he would say this in passing when she was calling for more prescriptions or picking them up at his office. He would also say, "Oh you addicts, you're here for your prescriptions."

When the search warrant was executed at El-Borno's office, a file in the name of J.P. was located. The file contained a patient information sheet, a prescription record, a payment record, and handwritten notes from J.P. requesting prescriptions and referencing payment enclosed. There were no notes of an initial evaluation and diagnosis, and no progress notes or indication of follow-up assessments for J.P. despite the fact that El-Borno had issued at least 51 prescriptions for Adderall to her from May 5, 2015 through September 16, 2019.

In June 2019, J.P. called El-Borno and requested that he prescribe 30 mg tablets of Adderall for her 16-year-old daughter. El-Borno had last prescribed Adderall for the child in December 2017. Without any contact whatsoever with her daughter for nearly 18 months, or asking J.P. why her daughter needed to resume taking Adderall, El-Borno began writing Adderall prescriptions for the child in June 2019 and gave them to J.P. J.P. admitted to agents that her daughter did not need the Adderall and that she used the medicine prescribed for her

daughter because of her addiction. El-Borno wrote Adderall prescriptions in June, July and August 2019 for the child without any contact with her.

A review of remittance advices submitted by El-Borno to the Children's Health Insurance Plan ("CHIP") administered by United Healthcare, revealed that despite not seeing or having any contact whatsoever with JP's daughter during all of 2018, and the first half of 2019, El-Borno submitted claims that were coded for 99213: Evaluation and Management, Office Visit, Established Patient, 15-minute Face-to-Face, on April 3, 2018, May 1, 2018, May 29, 2018 and June 26, 2018. El-Borno submitted \$300.00 in fraudulent claims to CHIP for these visits.

When the search warrant was executed at El-Borno's office, a file in the name of J.P.'s daughter was located. The file contained a patient information sheet, a prescription record, insurance information, and various administrative forms. There were no notes of an initial evaluation or diagnosis, and no progress notes or indication of follow-up assessments for the child despite the fact that El-Borno had issued 31 prescriptions for Adderall to her from June 15, 2015 through August 27, 2019.

W.H.

The Grand Jury learned that investigators interviewed L.H. and W.H., husband and wife. Their family has been patients of El-Borno since 2014 when L.H. took their 5-year-old autistic daughter to see him. L.H. told agents that at the initial office visit El-Borno prescribed medication for her daughter and also began prescribing Adderall to L.H. She stated that her family has seen El-Borno once or twice since the initial appointment with her daughter. The family lives in Millmont, Pennsylvania which is located approximately 98 miles from El-Borno's medical office.

The Grand Jury learned that, for his part, W.H. has never met, seen, nor spoken with El-Borno. However, El-Borno has continually prescribed Adderall for him since 2015. L.H. stated that she spoke with El-Borno about her husband on the telephone on one occasion and El-Borno suggested that she let her husband try her Adderall and Zoloft. When L.H. told El-Borno that her husband liked it, El-Borno began prescribing Adderall to him. L.H. informed agents that El-Borno sent the prescriptions for her family via mail in exchange for a monthly fee that she mailed back to him. According to L.H., the monthly prescription fee was \$50.00 but recently increased to \$75.00. The fee also included a telephone call, generally from Christian, but sometimes from both El-Borno and Christian.

When the search warrant was executed at El-Borno's office, a file in the name of W.H. was located. The file contained a patient information sheet, a prescription record, and some other forms. The file also contained a note dated May 27, 2015 with the name W.H. written at the top that read "liked the Adderall XR 30 mg," was "more wide awake in a.m.," and was "more into doing things." There were no notes of an initial evaluation or diagnosis, and no progress notes or indication of follow-up assessments for W.H. despite the fact that El-Borno had issued at least 71 prescriptions for Adderall to him from May 27, 2015 through September 23, 2019.

N.Z.

Law enforcement agents interviewed N.Z. Her family has been patients of El-Borno since 2009, when N.Z. and her husband took two of their children to see him. N.Z. and her family are relatives of L.H. and W.H. and also live in Millmont, approximately 98 miles from El-Borno's medical office in Lancaster. At that initial office visit, El-Borno began prescribing Adderall for her daughter and Ritalin, a Schedule II controlled substance, for her son. N.Z. stated

that she thought her family had seen El-Borno on one occasion since the initial appointment with her children in 2009.

N.Z. informed investigators that El-Borno mailed the prescriptions for her family to the pharmacy in exchange for a monthly fee that she mailed to him. She advised that the monthly prescription fee was \$50.00 but was recently increased to \$75.00 per month. The fee also included a telephone call, generally from Christian, but sometimes from both El-Borno and Christian.

N.Z.'s other child, E.A.Z, has never met, seen, nor talked to El-Borno, yet El-Borno prescribed Ritalin for her. N.Z. spoke on the telephone with El-Borno on one occasion in 2018 and advised that her daughter was having trouble in school. Without any contact with the child, El-Borno began prescribing Ritalin to her. E.A.Z. was seven years old at this time.

The Grand Jury was informed that investigators reviewed the Prescription Drug Monitoring Program database for controlled substances prescribed to E.A.Z. The search revealed that El-Borno started prescribing Ritalin, to E.A.Z. on or around February 2018. El-Borno issued Ritalin prescriptions for E.A.Z. from February 2018 to April 2019 despite never speaking with, evaluating, nor seeing her.

L.T.

Law enforcement agents interviewed L.T., a patient of El-Borno for at least 10 years. The Grand Jury learned that El-Borno never provided any counseling, mental health, medical or psychiatric care for her. Instead, she met with El-Borno once a month for approximately three minutes. During this brief interaction, she would advise what prescriptions she needed. She stated that she would provide him with handwritten notes listing the prescriptions she desired.

El-Borno prescribed Ritalin, Lorazepam, a Schedule IV controlled substance, and some non-controlled substances to L.T.

Upon her inquiry, El-Borno informed her that he did not have time to provide mental health counselling because he had a large patient population. L.T. stated that on some occasions, her prescriptions would be in an envelope with her name on it and taped to the outside of the door of El-Borno's medical office. L.T. payed El-Borno a fee of \$50.00 per month for prescriptions, which later increased to \$75.00 per month. L.T. stated that she paid in cash because El-Borno noted that he did not accept Medicare. However, law enforcement agents confirmed that El-Borno was enrolled as a Medicare Provider during the time period when L.T. was paying him for prescriptions and that he had, in fact, billed Medicare for other patients.

When the search warrant was executed at El-Borno's office, a file in the name of L.T. was located. The file contained a patient information sheet, a prescription record, insurance information, and patient records from other doctors. The file also contained several handwritten notes requesting El-Borno to write prescriptions for Ativan (Lorazepam) and Ritalin, sometimes requesting a specific dosage. There were no notes of an initial evaluation or diagnosis, and no progress notes or indication of follow-up assessments for L.T. despite the fact that El-Borno had issued monthly prescriptions for Ritalin and Lorazepam to L.T. since May 2003.

L.W.

L.W. was four-years-old when she was a patient of El-Borno. Law enforcement agents interviewed S.W., the child's mother, who advised that she had taken L.W. to see El-Borno in August 2017 for mental health issues. El-Borno prescribed Adderall 5 mg, Zoloft 50 mg, and Clonidine for L.W. from August 29, 2017 through March 6, 2018. On March 14, 2018, S.W. took L.W. to the emergency room because she had a fever, was listless, and said she wanted to

die. Emergency room doctors diagnosed L.W. with serotonin syndrome due to the medication she was taking and advised to stop giving her the Zoloft and Clonidine.

Law enforcement agents presented S.W. with claims that El-Borno had submitted to Optum, the company with whom L.W. had insurance coverage. S.W. showed the agents her Google calendar where she kept detailed records related to L.W.'s care. S.W. confirmed that El-Borno had no contact with L.W. on September 18, 2017, September 25, 2017, October 2, 2017 and December 11, 2017; however, El-Borno submitted claims to Optum for "99213" office visits for those dates. S.W. advised agents that on October 16, 2017 and November 13, 2017, Christian called S.W. on the telephone for a medication check, but El-Borno had no contact with L.W. However, El-Borno submitted claims to Optum for code "99213" office visits for both dates. El-Borno submitted fraudulent claims totaling \$450.00 to Optum for these dates.

When the search warrant was executed at El-Borno's office, a file in the name of L.W. was located. Included in the file were a photograph of L.W. and her mother, S.W., a patient information sheet, a prescription record, insurance information, several administrative forms, and patient record requests from other doctors. The file also contained a letter from an attorney dated June 25, 2018 requesting L.W.'s medical record from El-Borno along with a stack of papers with a note on the front that read "copy of what was sent to attorney." The note was attached to a form titled "Progress Note" dated March 5, 2018 that was purportedly written for L.W. The Progress Note contained very detailed notes including patient information provided, clinical impression and treatment/recommendations. This form was not found in any other patient file and no other patient file contained anything close to this level of detail. Additionally, the patient file included with the attorney letter and Progress Note was a blank progress note form with a note attached to it that read "MASTER."

JOHN S. O'BRIEN, M.D.

Law enforcement agents presented the Grand Jury with a report authored by John S. O'Brien, M.D. ("Dr. O'Brien"), a psychiatrist, regarding the care, treatment, and prescriptions that El-Borno provided to the patients. Dr. O'Brien reviewed the patient files, patient interviews, and other evidence obtained and observed during the search warrant for the aforementioned patients. In the report, Dr. O'Brien opined that there was insufficient documentation to diagnose ADHD in the patient files reviewed. Dr. O'Brien stated that there was no documentation in the patient files that an initial clinical evaluation was conducted

during which presenting complaints, medical history, and clinical examination would be documented as well as information derived from collateral sources regarding the individual's history of symptoms prior to age 12, presence of significant symptoms in at least 2 settings and secondary impairment in social, academic, or occupational functioning.

Dr. O'Brien further stated that:

The ongoing management of patients for whom medications are prescribed requires regular clinical contact with patients in order to assess their response to medication and to determine that the medications prescribed are reasonable, appropriate, and efficacious in treating their clinical symptoms with the ultimate goal of reducing symptoms and improving their functional level.

Dr. O'Brien stated that the patient files and patient interviews do not reveal any ongoing clinical assessment of the patients related to the controlled substances prescribed. His conclusion, to a reasonable degree of medical certainty, is that El-Borno's prescription of medication was not done in good faith in the course of professional practice, within the scope of the patient relationship, and in accordance with treatment principles accepted by all reasonable segments of the medical profession.

WIRETAP VIOLATION

Law enforcement agents testified that when they conducted the search warrant on September 26, 2019 at El-Borno's medical office, they discovered information suggesting that El-Borno's prescribing practice was being questioned. Agents found a letter dated July 17, 2019 from CVS to El-Borno requesting a telephone call because "[b]ased on our data we have identified that your controlled substance prescribing may be outside the normal range in comparison with other prescribers in your specialty and geographic region." Along with the CVS letter, agents found handwritten notes which appeared to be talking points for the call and an audiotape of the telephone call with CVS pharmacists. On the taped recording, after introducing himself to the three CVS pharmacists, El-Borno laughs and says "I'm not recording this for quality or training purposes..." and then proceeds to record the entire conversation. Agents subsequently interviewed the three CVS pharmacists who all advised that they were not aware they were being recorded and they did not consent to such a recording.