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Department of Justice

U.S. Attorney's Office

Eastern District of California

FOR IMMEDIATE RELEASE

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Sacramento Dentist Indicted For Fraudulent Billing Scheme Involving Unnecessary Dental Work

SACRAMENTO, Calif. — A federal grand jury returned an 18-count indictment today against David M. Lewis, 60, of Sacramento, charging him with one count of conspiracy to commit health care fraud and mail fraud and 17 counts of health care fraud, United States Attorney Benjamin B. Wagner announced.

According to court documents, Lewis was a dentist who operated a dental practice in Sacramento. Beginning in late 2008 or early 2009, Lewis began targeting United Parcel Service employees for dental treatment because their health care plan under the Northern California General Teamsters Security Fund provided 100 percent coverage without any annual limits. Lewis offered cash and other incentives to UPS patients for receiving dental treatment from Lewis, or for recruiting other UPS employees to receive such treatment.

The indictment alleges that in some instances, Lewis caused claims to be submitted to Delta Health Systems, which administered the UPS health care plan, that falsely billed the plan for work that was never performed. In many other instances, Lewis performed unnecessary dental work on healthy teeth of the UPS employees, including root canals, and claims were submitted to Delta for payment for these unnecessary services.

The indictment also alleges that Lewis created false narratives for work that was not performed or created false statements about purported pre-existing dental conditions of the UPS employee' teeth to justify the work performed. In some instances, Lewis drilled into healthy teeth, installed a temporary filling, instructed his assistants to take X-rays of the temporary fillings, and then submitted claims to Delta with X-rays of the temporary fillings, falsely claiming that the X-rays depicted tooth decay justifying further restorative procedures.

The total amount of fraudulent billings submitted to Delta as a result of the conspiracy and health care fraud was more than \$1 million.

This case is the product of an investigation by the U.S. Department of Labor - Office of Inspector General's Office of Labor Racketeering and Fraud Investigations and the U.S. Department of Labor - Employee Benefits Security Administration with assistance from the Dental Board of California. Assistant United States Attorney Todd A. Pickles is prosecuting the case.

If convicted, Lewis faces a maximum statutory penalty of 20 years in prison and a fine of \$250,000 or twice the gross gain from the fraud. Any sentence, however, would be determined at the discretion of the court after consideration of any applicable statutory factors and the Federal Sentencing Guidelines, which take into account a number of variables. The charges are only allegations; the defendant is presumed innocent until and unless proven guilty beyond a reasonable doubt.

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