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**Department of Justice**

U.S. Attorney's Office

Eastern District of California

FOR IMMEDIATE RELEASE

Thursday, May 5, 2016

## **Sacramento Dentist Sentenced to over 3 Years in Prison for Billing for Unnecessary or Unperformed Dental Work**

SACRAMENTO, Calif. — David M. Lewis, 62, of Sacramento, was sentenced today by United States District Judge Morrison C. England Jr. to three years and 10 months in prison and a \$75,000 fine for health care fraud, Acting United States Attorney Phillip A. Talbert announced.

According to court documents, beginning approximately in late 2008, Lewis, a dentist practicing in Sacramento, 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 or for recruiting other UPS employees to receive such treatment.

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

Lewis created false narratives for dental work that was not performed or created false statements about purported pre-existing dental conditions to justify the work performed. In some instances, Lewis drilled into teeth to install temporary fillings and instructed his assistants to take X-rays of the temporary fillings. Lewis 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.

"This defendant went well beyond the lies one normally finds at the root of a fraud scheme," said Acting U.S. Attorney Talbert. "He not only plundered funds meant to provide essential services, he inflicted pain and suffering on his patients through the performance of unnecessary medical procedures, all in the name of additional profit. We are gratified by today's sentence, and thankful for the critical work done by our partners in the Department of Labor and the State of California."

"Today's sentencing demonstrates that those who commit health care fraud will be held criminally accountable. We will continue to work with our law enforcement partners to safeguard the health benefits of union workers from medical providers seeking self-enrichment," stated Abel Salinas, Special Agent-in-Charge of the Los Angeles Regional Office of the U.S. Department of Labor, Office of Inspector General, Office of Labor Racketeering and Fraud Investigations.

“Dr. Lewis put his own financial interests ahead of his patients’ dental health, causing them harm instead of healing,” commented Jean Ackerman, Regional Director for EBSA. “This case is indicative of our close and continued partnership with fellow federal agencies to vigorously pursue those who commit crimes against employee benefit plan participants.”

A restitution hearing is set for June 23, 2016, and Lewis is scheduled to self-surrender to begin serving his sentence on July 14, 2016.

An employee at Lewis’s dental practice, Nichol Ramirez aka Nichol Lomack, previously pleaded guilty to one count of health care fraud for her part in the fraud scheme in a separate case. (2:14-cr-056 MCE) Lomack is scheduled to be sentenced on September 1, 2016. She faces a maximum statutory penalty of 10 years in prison and a fine of \$250,000 or twice the gross loss or gain of the scheme. The actual sentence, however, will 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.

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

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