

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Criminal No. 17-
 :
 v. :
 :
 NICHOLAS P. ROUSSIS : 18 U.S.C. §1952(a)(3) and 2

I N F O R M A T I O N

The defendant having waived in open court prosecution by indictment, the Acting United States Attorney for the District of New Jersey charges:

1. At all times relevant to this Information:

a. The defendant, NICHOLAS P. ROUSSIS, was a medical doctor licensed to practice medicine in the State of New York whose obstetrics/gynecology practice was located in Staten Island, New York.

b. Biodiagnostic Laboratory Services, LLC ("BLS") was a clinical blood laboratory headquartered in Parsippany, New Jersey that, among other things, performed tests on the blood specimens of patients referred to BLS by doctors,

and then billed payors and others for those tests and related services.

c. The Medicare Program ("Medicare") was a federal program that provided free or below-cost health care benefits to certain individuals, primarily the elderly, blind, and disabled.

d. The Medicare Part B program was a federally funded supplemental insurance program that provided supplementary Medicare insurance benefits for individuals aged sixty-five or older, and certain individuals who are disabled. The Medicare Part B program paid for various medical services for beneficiaries, including blood tests and related services.

e. Tricare was a health care program of the United States Department of Defense ("DoD") Military Health System that provided coverage for DoD beneficiaries worldwide, including active duty service members, National Guard and Reserve members, retirees, their families, and survivors.

f. Medicare and Tricare are both "Federal health care programs" as defined in Title 42, United States Code, Section 1320a-7b(f), and "health care benefit programs" as defined in Title 18, United States Code, Section 24(b). Individuals who receive benefits under Medicare or Tricare are commonly referred to as "beneficiaries."

g. BLS was approved as a provider by both Medicare and Tricare, and was paid for performing blood tests and related services on beneficiaries who were referred to BLS by physicians participating in Medicare or Tricare.

h. BLS billed, and was paid by, various private health care insurance companies (collectively, the "Private Insurers") in the business of providing health care insurance to individuals and entities under various insurance policies (the "Insureds"), pursuant to which the Private Insurers paid BLS for blood tests and related services performed for Insureds who had been referred to BLS by Physicians.

i. BLS paid sales representatives a commission based on the amount of revenue received by BLS from Medicare, Tricare, and the Private Insurers for the performance of blood tests and related services performed on blood specimens referred to BLS by Physicians the sales representatives recruited or serviced.

j. David Nicoll, who is a co-conspirator not charged herein, was an owner and the President of BLS and generally exercised control over the operations of BLS.

k. Scott Nicoll, who is a co-conspirator not charged herein, was employed by and acted on behalf of BLS. In

addition, beginning in or about 2010, Scott Nicoll caused the formation of an entity called Nicoll Brothers Consulting, LLC.

1. Cliff Antell, who is a co-conspirator not charged herein, was associated with and acted on behalf of BLS in a marketing capacity. In addition, beginning in or about 2010, Cliff Antell caused the formation of an entity called Browns Dock Consulting, LLC ("Browns Dock").

2. From at least in or about October 2010 through in or about April 2013, in Morris County, in the District of New Jersey, and elsewhere, defendant

NICHOLAS P. ROUSSIS

knowingly and intentionally used and caused to be used the mail and any facility in interstate commerce with the intent to promote, manage, establish, carry on, and facilitate the promotion, management, establishment, and carrying on of an unlawful activity, that is, commercial bribery, contrary to N.J.S.A. § 2C:21-10 and Title 18, United States Code, Section 1952(a)(3) and, thereafter, did perform and attempt to perform acts to promote, manage, establish, carry on, and facilitate the promotion, management, establishment, and carrying on of such unlawful activity, to include, as follows:

a. From in or about October 2010 through in or about April 2013, BLS paid defendant NICHOLAS P. ROUSSIS and his

brother, George Roussis, bribes that, in the aggregate, were at least approximately \$175,000. In return, defendant NICHOLAS P. ROUSSIS referred patient blood specimens to BLS that BLS used to submit claims to Medicare, Tricare, and the Private Insurers and collect from those payors at least in or about \$250,000.

b. In addition to cash payments, at the request of defendant NICHOLAS P. ROUSSIS, on multiple occasions, between in or about October 2010 and in or about April 2013, BLS paid for trips to a strip club where BLS paid for women to perform lap dances on, and engage in sex acts with, defendant NICHOLAS P. ROUSSIS and his brother, George Roussis, in order to induce defendant NICHOLAS P. ROUSSIS to refer the blood specimens of defendant NICHOLAS P. ROUSSIS's patients to BLS for testing and related services.

c. The claims BLS submitted for blood testing and other services to Medicare, Tricare, and the Private Insurers included charges for tests on blood specimens referred to BLS by defendant NICHOLAS P. ROUSSIS in return for bribe payments.

d. On or about February 17, 2012, Tricare paid BLS - by an electronic transfer of funds that originated outside of the State of New Jersey and was received by BLS inside the State of New Jersey - a sum of money for claims and related

items submitted by BLS for blood testing on a Tricare beneficiary referred to BLS by or at the direction of defendant NICHOLAS P. ROUSSIS in return for bribe payments.

e. In or about March 2012, Cliff Antell caused \$10,000 in U.S. currency to be delivered to defendant NICHOLAS P. ROUSSIS and his brother, George Roussis, to induce defendant NICHOLAS P. ROUSSIS to refer the blood specimens of defendant NICHOLAS P. ROUSSIS's patients to BLS for testing and related services.

In violation of Title 18, United States Code, Section 1952(a)(3) and Title 18, United States Code, Section 2.

FORFEITURE ALLEGATION


1. The allegations contained in this Information are hereby realleged and incorporated by reference for the purpose of noticing forfeiture pursuant to Title 18, United States Code, Section 982(a)(7).

2. Upon conviction of the offense in violation of Title 18, United States Code, Sections 1952(a)(3) and 2, the defendant, NICHOLAS P. ROUSSIS, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(7), all right, title, and interest in the sum of \$175,000, which constitutes or is derived, directly or indirectly, from gross proceeds traceable to the offense of conviction.

3. If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be divided without difficulty, the United States shall be entitled, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(a)(7), to forfeiture of any other property of defendant NICHOLAS P. ROUSSIS up to the value of the property described in the preceding paragraph.


WILLIAM E. FITZPATRICK
ACTING UNITED STATES ATTORNEY

CASE NUMBER: _____

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UNITED STATES OF AMERICA

v.

NICHOLAS P. ROUSSIS

**INFORMATION FOR
18 U.S.C. § 1952(a)(3)**

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