

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

STATE OF ALASKA,)
)
 Plaintiff,)
)
 vs.)
)
 SHUBHRANJAN GHOSH,)
 aka: SHUBO GHOSH,)
 DOB: 10/18/1974)
 APSIN ID: 7451774)
 DMV NO. 7345069 AK)
 ATN: 114-356-547)
)
 Defendant.)
)

Case No. 3AN-14- CR
3AN-13-01581 SW, 3AN-14-00429 SW, 3AN-14-00627 SW
3AN-14-00476 SW, 3AN-14-00663 SW

COMPLAINT

I certify this document and its attachments do not contain the (1) name of a victim of a sexual offense listed in AS 12.61.140 or (2) residence or business address or telephone number of a victim of or witness to any offense unless it is an address identifying the place of a crime or an address or telephone number in a transcript of a court proceeding and disclosure of the information was ordered by the court.

The following counts charge a crime involving DOMESTIC VIOLENCE as defined in AS 18.66.990:

Count I - AS 47.05.210(a)(1) Fel B
Medical Assistance Fraud
Shubhranjan Ghosh - 001

Count II - AS 11.46.600(a)(2) Fel B
Scheme To Defraud
Shubhranjan Ghosh - 002

Count III - AS 11.56.610(a)(2) Fel C
Tampering With Physical Evidence
Shubhranjan Ghosh - 003

Count IV - AS 47.05.210(a)(5) Mis A
Medical Assistance Fraud
Shubhramjan Ghosh - 004

THE COMPLAINANT CHARGES:

Count I

That on or about 2010 through 2013, at or near Anchorage in the Third Judicial District, State of Alaska, SHUBHRANJAN GHOSH , knowingly submitted or authorized the submission of a claim to a medical assistance agency for property, services, or a benefit with reckless disregard that the claimant is not entitled to the property, services, or benefit.

All of which is a class B felony offense being contrary to and in violation of AS 47.05.210(a)(1) and against the peace and dignity of the State of Alaska.

Count II

That on or about 2010 through 2013, at or near Anchorage in the Third Judicial District, State of Alaska, SHUBHRANJAN GHOSH engaged in conduct constituting a scheme to defraud one or more persons of \$10,000 or to obtain \$10,000 or more from one or more persons by false or fraudulent pretense, representation, or promise and obtained property or services in accordance with the scheme.

All of which is a class B felony offense being contrary to and in violation of AS 11.46.600(a)(2) and against the peace and dignity of the State of Alaska.

Count III

That on or about September 2013 through April 15, 2013, at or near Anchorage in the Third Judicial District, State of Alaska, SHUBHRANJAN GHOSH made, presented, or used physical evidence, knowing it to be false, with intent to mislead a juror who was engaged in an official proceeding or a public servant who was engaged in an official proceeding or a criminal investigation.

All of which is a class C felony offense being contrary to and in violation of AS 11.56.610(a)(2) and against the peace and dignity of the State of Alaska.

Count IV

That on or about 2010 through 2013, at or near Anchorage in the Third Judicial District, State of Alaska, SHUBHRANJAN GHOSH, knowingly made a false entry or falsely altered a medical assistance record.

All of which is a class A misdemeanor offense being contrary to and in violation of AS 47.05.210(a)(5) and against the peace and dignity of the State of Alaska.

Probable Cause Statement

1. I, Lance Anderson, the undersigned affiant, an Investigator III with the Medicaid Fraud Control Unit (MFCU), Alaska Department of Law, Office of Special Prosecutions (hereinafter Affiant), state on oath that this complaint is based upon Affiant's review of Medicaid billing documentation and Affiant's investigation as outlined below. Affiant is a criminal investigator with the Office of Special Prosecutions being appointed in August 2013. Affiant's duties include the investigation of Medicaid fraud, abuse and neglect and financial exploitation of Medicaid recipients and/or individuals living in assisted living homes. Prior to Affiant's appointment as an Investigator III with the Office of Special Prosecutions, Affiant worked for 31 years with the Boise Police Department in Idaho.

2. On September 16, 2013, Affiant received a call from M.F. who stated she is working in a doctor's office where she has discovered a large fraudulent Medicaid billing issue. Affiant arranged a meeting with M.F. for the following day. M.F. stated she was working for Dr. Shubhranja Ghosh with Ghosh Psychiatric Services. M.F. stated that Dr. Ghosh was the only doctor in the practice and to her knowledge, only Dr. Ghosh, the business manager and her were aware of the fraud. M.F. stated that Dr. Ghosh primarily treats children that have a variety of mental issues.

3. M.F. stated she began working for Dr. Ghosh in April of 2013 and that part of her job was to create billings for patients seen the previous day and submit the billing to the office manager Nathaniel "Nate" Carter. In June or July of 2013 M.F. noticed a charge for a patient that was not present during the date and time indicated on the billing sheet. She said she brought the error to the attention of Nate. She said Nate

shared with her that he and Doctor Ghosh have been submitting false billings to Medicaid for years to cover time they spend on various Medicaid related cases doing tasks such as phone calls and emailing that they don't receive compensation from Medicaid for so it's a way of receiving payment for their time. M.F. said Nate also created false billings for his children and step children that to her knowledge have never been seen by the office. M.F. noticed that additional charges to Medicaid were added to the billings she received back from Nate.

4. M.F. said Nate asked her to compile a list of the false Medicaid billings because he and Doctor Ghosh had been considering paying it back to Medicaid. She said she completed a spreadsheet for 2011 and 2012 that totaled approximately \$170,000.00 in fraud. She said she knew they started doing the billing in 2010 and have continued the fraudulent billing throughout 2013 but she didn't have those totals. M.F. estimated the fraudulent billings occur at the rate of approximately five per week. M.F. indicated that she was lead to believe that Dr. Ghosh and Nate intended to stop fraudulently billing Medicaid for services that were not being provided as she was asked to dictate a letter at Nate's direction. The letter was intended to show Medicaid that Dr. Ghosh's staff caught the inadvertent billing errors and were in the process of correcting the mistakes and preparing an overbilling restitution to Medicaid. M.F. said she believed that Dr. Ghosh and Nate were serious about stopping the fraudulent billing, but decided to report the fraud to Medicaid when she noticed the same patterns of fraudulent billing continuing.

5. Ghosh Psychiatric Services submits billings to Medicaid electronically both from the business address and from the home of business manager, Nathaniel Carter. Investigator Anderson checked a Medicaid Provider File Inquiry data base and noted that in 2012 Ghosh Psychiatric Services submitted claims to Medicaid totaling \$846,206.00 but approximately one half of those submitted claims were paid at approximately 50%, (\$469,123.00). Affiant reviewed Alaska Medicaid records which revealed that Ghosh Psychiatric Services began billing Medicaid in 2010 and billed Medicaid a total of \$3,686,330.74.

6. Affiant received international border crossing records for Dr. Ghosh from Homeland Security Investigations. International and domestic travel records revealed that Dr. Ghosh routinely billed Medicaid for providing psychiatric services to patients in his office while Dr. Ghosh was traveling internationally. The billing code used by Dr. Ghosh requires that the patient receive the services in the presence of the physician. Medicaid records indicate that Dr. Ghosh billed Medicaid a total of \$42,500 while travelling internationally and domestically.

7. On September 25, 2013, the MFCU executed a search warrant on the business premises of Ghosh Psychiatric Services for Medicaid documents related to the false billings by Dr. Ghosh. The search warrant authorized the seizure and analysis of electronic data pertaining to the false Medicaid billings and records, including Dr. Ghosh and Nate's personal cell phones. A review of text messages sent and received by Dr. Ghosh revealed that Dr. Ghosh was writing prescriptions for non-medical reasons. Affiant obtained two search warrants for opiate prescriptions written by Dr. Ghosh.

8. A review of the data revealed multiple instances in which Dr. Ghosh wrote hydrocodone prescriptions to a patient by the name of M.M. Affiant interviewed M.M. in which she admitted to receiving two prescriptions for Dr. Ghosh for a neck injury she suffered in a car accident in February 2013. Affiant showed M.M. three prescriptions for hydrocodone which were purportedly written for menstrual pain. M.M. indicated she never used anything except Midol for menstrual pain.

9. Affiant next asked M.M. about Medicaid billing for her children. M.M. indicated that Dr. Ghosh asked if M.M. would allow him to create false billings for her kids. M.M. indicated she told Dr. Ghosh no and that he responded that she owed it to him for everything he was doing for her. M.M. indicated she still told Dr. Ghosh no. A review of Alaska Medicaid billing records revealed that Dr. Ghosh billed Medicaid for numerous visits with M.M.'s children. T.M. allegedly saw Dr. Ghosh 22 times for evaluations, interviews, diagnostic exams and individual therapy for a total of \$10,132.00 in billing. K.P. allegedly saw Dr. Ghosh 21 times for the same reasons for a total of \$10,913.00 in billing. M.M. informed Affiant that none of the purported

medical treatments ever took place and she denied that either of her children was ever diagnosed with behavior or psychological disorders.

10. The prescription monitoring database further revealed two instances in which Dr. Ghosh wrote prescriptions to Nate for opiates and three instances in which Dr. Ghosh wrote prescriptions to Nate's daughter N.C. A review of Alaska Medicaid billings further revealed that Dr. Ghosh billed a total of \$110,292.00 for Nate's seven children over a four year period of time.

11. On April 9, 2014, Affiant executed a search warrant on the business premises of Ghosh Psychiatric Services. The warrant authorized the seizure of Medicaid billing records and health records for Nate's seven children and the children of M.M. Dr. Ghosh told Affiant that he recognized the names on the warrant and knew he prescribed medication for them, but that he had no files for any of them on the premises.

12. On April 10, 2014, Affiant interviewed Nate regarding Dr. Ghosh and the fraudulent billing of Medicaid for services not provided. Nate stated that he has known Dr. Ghosh since approximately 2009. Nate stated that Dr. Ghosh taught him how to bill for appointments at Ghosh Psychiatric Services and that Nate agreed with Dr. Ghosh's suggestion to use Nate's seven children for billing Medicaid for services not provided. Nate indicated that following the State's original search warrant that Dr. Ghosh was creating treatment records to support the Medicaid billing for his seven children.

13. Nate stated that whenever he would tell Dr. Ghosh that the company finances were down that Dr. Ghosh would give Nate a list of Medicaid recipient names, billing codes and amounts to charge so that Nate could fraudulently bill Medicaid. Nate and Dr. Ghosh would meet at Nate's home and use Nate's computer to enter names of Medicaid recipients for billings to Medicaid for services that had not been provided. Nate indicated there came a time when Dr. Ghosh would just tell Nate to bill Medicaid by picking names from random on the Medicaid recipient list. These

billings can easily go unnoticed by Medicaid recipients as Medicaid does not provide an explanation of benefits (EOB) to the Medicaid recipient.

14. Nate produced a copy of a booklet that outlined services allegedly provided by Dr. Ghosh for his son J.C. Nate provided Affiant with this booklet which included a description of services that Dr. Ghosh allegedly provided to J.C. from 2010 through 2012. The booklet used by Dr. Ghosh has a copyright date of 2013. Dr. Ghosh indicated he was working on similar books for Nate's other children.

15. Nate also indicated that his eldest daughter needed a prescription of hydrocodone one time, but only needed five pills. Nate stated that he and Dr. Ghosh split the remainder of the prescription and all of the other prescriptions for him and his daughter. Nate indicated that he sold his share and that Dr. Ghosh kept his share for personal use. Nate showed Affiant text messages from Dr. Ghosh in which Dr. Ghosh wants Nate to keep his daughter Natalie from telling investigators the truth about the medications he prescribed her as well as the fraudulent appointments billed to Medicaid.

16. On April 14, 2014, Affiant observed Nate meet with Dr. Ghosh. Nate informed Affiant that Dr. Ghosh provided Nate with two more composition books outlining services provided to two of his other children. Dr. Ghosh also provided Nate with Client Agreement Forms for Ghosh Psychiatric Services and asked Nate to sign and back-date the forms to 2010. Nate provided Affiant with the additional composition books and Client Agreement Forms.

17. Dr. Ghosh is scheduled to meet with Nate on the evening of April 15, 2014 to receive signed copies of the Client Agreement Forms for Nate's children. The State intends to execute this arrest warrant following the meeting between Dr. Ghosh and Nate.

18. The investigation into the fraudulent billing by Dr. Ghosh is ongoing. The Affiant anticipates that the total fraud committed by Dr. Ghosh will

increase beyond the amounts identified above once a full audit of Dr. Ghosh's Medicaid billing records are complete.

19. Bail Conditions: Dr. Ghosh frequently travels internationally, his father lives in India and he attended medical school in India, and Dr. Ghosh's mother currently lives in California. The Affiant believes that Dr. Ghosh is a flight risk as the filing of these charges will put his medical practice and license in jeopardy. Dr. Ghosh is currently barred from billing Medicaid and an investigator with the Alaska Department of Corporations, Business and Professional Licensing will be looking into taking action against Dr. Ghosh's medical license based upon these charges.

20. The State is asking that the court order Dr. Ghosh to post a \$100,000 appearance bond, surrender his U.S. Passport, sign a waiver of extradition and be placed on ankle monitoring upon release with a prohibition from leaving the city of Anchorage and a prohibition from going to any airport. In addition, the state is asking for the standard conditions of release. The State is also asking that Dr. Ghosh not have contact with the following individuals: Nathaniel "Nate" Carter, any former employee with the exception of his current staff and any former Medicaid patient other than to allow his staff to transfer the medical records of former patients to current providers.

CONV COURT	CONV DATE	CONVICTION CHARGE	COURT DOCKET	POS ID	FEL	ATN
	3/25/14	11.71.040(A)(3)	3AN-12812 CR	Y	F	112930362

Dated at Anchorage, Alaska, this ____ day of April, 2014.

MICHAEL C. GERAGHTY
ATTORNEY GENERAL

By: _____
Investigator Lance Anderson
Office of Special Prosecutions
Medicaid Fraud Control Unit

SUBSCRIBED AND SWORN TO before me this ____ day of
April 2014, at Anchorage, Alaska.

Notary Public in and for Alaska
My Commission Expires: End of Hire