



THE UNITED STATES ATTORNEY'S OFFICE
EASTERN DISTRICT *of* TEXAS

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Department of Justice

U.S. Attorney's Office

Eastern District of Texas

FOR IMMEDIATE RELEASE

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Ten Texas Doctors and a Healthcare Executive Agree to Pay over \$1.68 Million to Settle Kickback Allegations

Total of Eighteen Texas Doctors Have Settled Related Healthcare Fraud Allegations

SHERMAN, Texas – Ten additional Texas doctors and a healthcare executive have agreed to pay a total of \$1,680,430 to resolve False Claims Act allegations involving illegal kickbacks in violation of the Anti-Kickback Statute and Stark Law, and to cooperate with the Department's investigations of and litigation against other parties, announced Eastern District of Texas U.S. Attorney Brit Featherston today.

"There is nothing more paramount to justice than holding all individuals accountable for committing and profiting from healthcare fraud, no matter their station in life," said U.S. Attorney Brit Featherston. "These additional settlements with these physicians and another healthcare executive exude our office's continued dedication to pursuing all individuals who have tried to disguise their illegal kickback schemes under a fig-leaf of legitimacy through purported investment opportunities in order to enrich themselves at the expense of taxpayer-funded healthcare programs."

The Anti-Kickback Statute prohibits offering, paying, soliciting, or receiving remuneration to induce referrals of items or services covered by Medicare, Medicaid, and other federally funded programs. The Stark Law forbids a hospital or laboratory from billing Medicare for certain services referred by physicians that have a financial relationship with the hospital or laboratory. The Anti-Kickback Statute and the Stark Law are intended to ensure that medical providers' judgments are not compromised by improper financial incentives and are instead based on the best interests of their patients.

The settlements announced today resolve allegations that ten Texas doctors violated the Anti-Kickback Statute by receiving thousands of dollars in remuneration from eight management

service organizations (MSOs) in exchange for ordering laboratory tests from Rockdale Hospital d/b/a Little River Healthcare (Little River), True Health Diagnostics LLC (True Health), and/or Boston Heart Diagnostics Corporation (Boston Heart). Little River allegedly funded the remuneration to certain doctors, in the form of volume-based commissions paid to independent contractor recruiters, who used MSOs to pay numerous doctors for their referrals. The MSO payments to the doctors were allegedly disguised as investment returns but in fact were based on, and offered in exchange for, the doctors' referrals.

- Tamar Brionez, M.D., of Spring, Texas, agreed to pay \$85,006 to settle allegations that from March 14, 2016 to March 16, 2017 she received kickbacks from an MSO, Tomball Medical Management, Inc., in exchange for ordering laboratory tests from Little River.
- Gary Goff, M.D., of Dallas, Texas, and two affiliated entities, Gary Goff, MD, PA and DFW Primary Medical Alliance, LLC, agreed to pay \$454,088 to settle allegations that from August 5, 2015 to September 7, 2018 he and his entities received kickbacks from two MSOs, Alpha Rise Health, LLC and HALOS Clinical Management, LLC, in exchange for ordering laboratory tests from True Health and Little River.
- John Hierholzer, M.D., of San Antonio, Texas, agreed to pay \$24,850 to settle allegations that from May 18, 2015 to February 12, 2016, he received kickbacks from an MSO, Alpha Rise Health, LLC, in exchange for ordering laboratory tests from Boston Heart and Little River.
- Bruce Maniet, D.O., of Bells, Texas, agreed to pay \$175,436 to settle allegations that from January 18, 2016 to October 23, 2017 he received kickbacks from two MSOs, Ascend MSO of TX, LLC and Herculis MG LLC, in exchange for ordering laboratory tests from Boston Heart and Little River.
- Huy Chi Nguyen, M.D., of Arlington, Texas, agreed to pay \$211,821 to settle allegations that from October 30, 2015 to December 31, 2017 he received kickbacks from (a) one MSO, Ascend MSO of TX, LLC, in exchange for ordering laboratory tests from True Health and Little River; and (b) another MSO, Geminorium MG LLC, in exchange for ordering laboratory tests from Boston Heart.
- Dung Chi Nguyen, M.D., of Arlington, Texas, agreed to pay \$211,721 to settle allegations that from November 4, 2015 to December 31, 2017 he received kickbacks from (a) one MSO, Ascend MSO of TX, LLC, in exchange for ordering laboratory tests from True Health and Little River; and (b) another MSO, Geminorium MG LLC, in exchange for ordering laboratory tests from Boston Heart.
- Rakesh Patel, D.O., of Houston, Texas, agreed to pay \$174,539 to settle allegations that from August 25, 2015 to April 19, 2017 he received kickbacks from an MSO, SYNRG Partners LLC, in exchange for ordering laboratory tests from True Health and Little River.
- Cuong Trinh, M.D., of Houston, Texas, agreed to pay \$45,056 to settle allegations that from July 28, 2015 to August 30, 2016 she received kickbacks from an MSO, SYNRG Partners LLC, in exchange for ordering Boston Heart laboratory tests from Little River.
- Randall Walker, M.D., of Magnolia, Texas, agreed to pay \$60,898 to settle allegations that from November 7, 2014 to August 28, 2015 he received kickbacks from two MSOs, North

Houston MSO Group, Inc. and Tomball Medical Management, Inc., in exchange for ordering laboratory tests from Little River.

- Michael Whiteley, D.O., of Tomball, Texas, agreed to pay \$52,015 to settle allegations that from January 5, 2015 to July 10, 2015 he received kickbacks from two MSOs, North Houston MSO Group, Inc. and Tomball Medical Management, Inc., in exchange for ordering laboratory tests from Little River.

As part of their settlements, the ten physicians have agreed to cooperate with the Department of Justice's investigations of and litigation against other parties involved in the alleged violations of law.

In addition, the United States announced a settlement with Brett Markowitz, the founder and CEO of Florida Rejuvenation Holdings, LLC, which operates medical practices in Tampa, Florida (collectively, the Tampa Practices). From October 18, 2016 through February 19, 2018, True Health representatives allegedly arranged for True Health to pay for each patient that physicians at the Tampa Practices referred to True Health for clinical laboratory services. True Health allegedly initially paid \$25 per referral to The Blood Spot, Inc. (TBS), a company associated with and controlled in part by a True Health representative, and True Health allegedly subsequently paid \$35 per referral to Express Mobile Labs, LLC (EML), a company associated with and controlled in part by Markowitz. True Health, TBS, EML, and Markowitz allegedly disguised the payments as purported processing and handling (P&H) fees. As alleged, True Health and Markowitz knew and intended that TBS and EML would pay some or all of True Health's P&H fee payments to Markowitz, directly or indirectly, in cash or in kind. Pursuant to the alleged arrangement, True Health billed the resulting claims to Medicare and other federal healthcare programs. Under the terms of the settlement agreement, Markowitz agreed to pay \$185,000 and to cooperate with the Department's investigations of and litigation against other parties.

"Health care providers engaging in kickback schemes undermine both the public's trust in medical institutions and the financial integrity of federal health care programs. Medical decision-making should be based on the well-being of patients, rather than the desire for ill-gotten profits," said HHS-OIG Special Agent in Charge Miranda L. Bennett. "Working with our law enforcement partners, our agency is committed to thoroughly investigating such allegations of fraud."

"As the investigative arm of the DoD Office of Inspector General, the Defense Criminal Investigative Service (DCIS) and our colleagues work hard to hold accountable those who undermine Federal health care programs such as TRICARE," said Acting Special Agent in Charge Gregory P. Shilling of the DCIS Southwest Field Office. "Today's announcement is another example of those efforts in making the Government, and ultimately taxpayer, as whole as possible."

"These additional settlements send a clear message that all who would seek to defraud federal healthcare programs will be held accountable," said Special Agent in Charge Jeffrey Breen of the Department of Veterans Affairs Office of Inspector General's South Central Field Office. "The VA OIG will continue to work with the U.S. Attorney's Office and our law enforcement partners to

enforce the Stark Law and the Anti-Kickback Statute and act as a safeguard for taxpayer-funded veteran healthcare programs.”

The civil settlements were the result of a coordinated effort between the U.S. Attorney’s Office for the Eastern District of Texas and the Civil Division’s Commercial Litigation Branch, Fraud Section, with assistance from HHS-OIG, DCIS, and VA-OIG. As a result of its efforts, the United States has recovered over \$29.6 million relating to conduct involving Boston Heart, True Health, and Little River, including False Claims Act settlements with seventeen physicians, two healthcare executives, and one laboratory. This matter and the related matters were handled by Assistant U.S. Attorneys James Gillingham, Adrian Garcia, and Betty Young, Senior Trial Counsel Christopher Terranova, and Trial Attorney Gavin Thole.

The government’s pursuit of these matters illustrates the government’s emphasis on combating healthcare fraud. One of the most powerful tools in this effort is the False Claims Act. Tips and complaints from all sources about potential fraud, waste, abuse, and mismanagement can be reported to the Department of Health and Human Services, at 1-800-HHS-TIPS (800-447-8477).

The claims resolved by the settlements are allegations only, and there has been no determination of liability.

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Component(s):

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