SEALED

FILED
VANESSA L. ARMSTRONG, CLERK
JUN 27 2017
U.S. DISTRICT COURT
WEST'N. DIST. KENTUCKY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

UNITED STATES OF AMERICA

v.

JEFFREY CAMPBELL
MARK DYER
DAWN ANTLE
PHYSICIANS PRIMARY CARE, PLLC

INDICTMENT

NO. 3 17 CR-87-CRS

18 U.S.C. § 2
18 U.S.C. § 982(a)(7)
18 U.S.C. § 1347
18 U.S.C. § 1349
21 U.S.C. § 841(a)(1)
21 U.S.C. § 841(b)(1)(C)
21 U.S.C. § 841(b)(1)(E)(i)
21 U.S.C. § 841(b)(2)
21 U.S.C. § 846
21 U.S.C. § 853

The Grand Jury charges:

COUNT 1

(Unlawful Distribution and Dispensing of Controlled Substances-Conspiracy)

Beginning no later than June 1, 2010, and continuing through on or about April 22, 2014, in the Western District of Kentucky, Jefferson County, Kentucky, and elsewhere, **JEFFREY CAMPBELL, MARK DYER, DAWN ANTLE**, and **PHYSICIANS PRIMARY CARE, PLLC**, defendants herein, and others, known and unknown to the Grand Jury, did conspire with each other to knowingly and intentionally distribute and dispense, and caused to be distributed and dispensed, Schedule II, III and IV controlled substances to patients, without a legitimate medical purpose and outside of the usual course of professional medical practice.

In violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(C), 841(b)(1)(E)(i), 841(b)(2), and 846.

The Grand Jury further charges:

COUNTS 2-5

(Unlawful Distribution and Dispensing of Controlled Substances-Schedule II)

During the date ranges listed below, in the Western District of Kentucky, Jefferson County, Kentucky, and elsewhere, **JEFFREY CAMPBELL** and **MARK DYER**, defendants herein, aided and abetted by others, known and unknown to the Grand Jury, knowingly and intentionally distributed and dispensed, and caused to be distributed and dispensed, Schedule II controlled substances to the patients listed below, without a legitimate medical purpose and outside of the usual course of professional medical practice:

COUNTS	**DATES**	**DRUG(s)**	**PATIENTS**
2	December 6, 2012 through April 19, 2014	Methadone	B.M.
3	November 14, 2013 through April 22, 2014	Oxycodone Methadone	C.M.
4	July 23, 2013 through April 15, 2014	Oxycodone	B.S.
5	July 31, 2013 through April 18, 2014	Methadone	M.S.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C), and Title 18, United States Code, Section 2.

The Grand Jury further charges:

COUNTS 6-7

(Unlawful Distribution and Dispensing of Controlled Substances-Hydrocodone)

During the date ranges listed below, in the Western District of Kentucky, Jefferson County, Kentucky, and elsewhere, **MARK DYER**, defendant herein, aided and abetted by others, known and unknown to the Grand Jury, knowingly and intentionally distributed and dispensed, and caused to be distributed and dispensed Hydrocodone, a Schedule III controlled

substance, to the patients listed below, without a legitimate medical purpose and outside of the usual course of professional medical practice:

COUNTS	DATES	PATIENTS
6	July 31, 2013 through April 18, 2014	M.S.
7	December 6, 2012 through April 19, 2014	B.M.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(E)(i), and Title 18, United States Code, Section 2.

The Grand Jury further charges:

COUNT 8

(Conspiracy – Health Care Fraud)

On or about and between April 19, 2012, and continuing through April 22, 2014, in the Western District of Kentucky, Jefferson County, Kentucky, **JEFFREY CAMPBELL, MARK DYER, DAWN ANTLE,** and **PHYSICIANS PRIMARY CARE, PLLC,** defendants herein, and others, did knowingly and willfully combine, conspire and confederate and agree with each other and others, known and unknown to the Grand Jury, to violate Title 18, United States Code, Section 1347, that is, to knowingly and willfully execute, and attempt to execute, a scheme and artifice to obtain, by means of false or fraudulent pretenses, representations, and promises, money and property owned by and under the custody or control of health care benefit programs, in connection with the delivery of, and payment for, health care benefits, items, and services, to wit: **JEFFREY CAMPBELL, MARK DYER, DAWN ANTLE, PHYSICIANS PRIMARY CARE, PLLC,** and others, falsely and fraudulently billed various health care benefit programs by coding physical therapy, counseling, and exercise (Med Fit Program) services, using evaluation and management codes, in order to obtain a higher rate of reimbursement.

In violation of Title 18, United States Code, Section 1349.

The Grand Jury further charges:

COUNTS 9-19
(Health Care Fraud-Fraudulent Coding)

On or about the dates listed below, in the Western District of Kentucky, Jefferson County, Kentucky, and elsewhere, **JEFFREY CAMPBELL**, defendant herein, aided and abetted by others, known and unknown to the Grand Jury, knowingly and willfully executed, and attempted to execute, a scheme and artifice to obtain, by means of false or fraudulent pretenses, representations, and promises, money and property owned by and under the custody or control of health care benefit programs, in connection with the delivery of and payment for health care benefits, items, and services, to wit: **JEFFREY CAMPBELL** falsely and fraudulently billed various health care benefit programs by coding physical therapy, counseling, and exercise (Med Fit Program) services, using evaluation and management codes, in order to obtain a higher reimbursement rate for the below listed patients:

COUNTS	DATES	PATIENT	SERVICE PERFORMED	E&M CODE BILLED
9	August 26, 2013	R.C.	Physical Therapy	99214
10	April 10, 2014	H.H.	Med Fit (exercise)	99214
11	August 12, 2013	E.L.	Counseling	99214
12	February 14, 2014	B.M.	Physical Therapy	99214
13	February 19, 2013	D.P.	Counseling	99214
14	April 7, 2014	B.S.	Med Fit (exercise)	99214
15	July 31, 2013	M.S.	Counseling	99214
16	April 15, 2013	T.B.	Med Fit (exercise)	99214

17	August 1, 2013	K.B.	Counseling	99214
18	February 20, 2013	S.B.	Counseling	99214
19	September 13, 2013	N.A.	Counseling	99214

In violation of Title 18, United States Code, Sections 1347 and 2.

The Grand Jury further charges:

COUNT 20
(Health Care Fraud-Physical Therapy)

On or about and between April 1, 2013, and March 31, 2014, in the Western District of Kentucky, Jefferson County, Kentucky, and elsewhere, **JEFFREY CAMPBELL**, **MARK DYER**, and **DAWN ANTLE**, defendants herein, and others, aided and abetted by each other and others, known and unknown to the Grand Jury, knowingly and willfully executed, and attempted to execute, a scheme and artifice to obtain, by means of false or fraudulent pretenses, representations, and promises, money and property owned by and under the custody and control of health care benefit programs, in connection with the delivery of and payment for health care benefits, items, and services, to wit: **JEFFREY CAMPBELL**, **MARK DYER**, **DAWN ANTLE**, and others, falsely and fraudulently billed various health care benefit programs for physical therapy services, using evaluation and management codes as if a physician performed a service on the patients, but in reality, a non-physician and non-physical therapist performed the service on the patients.

In violation of Title 18, United States Code, Sections 1347 and 2.

The Grand Jury further charges:

COUNT 21
(Health Care Fraud-Proove Biosciences)

On or about and between August 6, 2013, and April 23, 2014, in the Western District of Kentucky, Jefferson County, Kentucky, and elsewhere, **JEFFREY CAMPBELL** and **PHYSICIANS PRIMARY CARE, PLLC**, defendants herein, aided and abetted by each other and others, known and unknown to the Grand Jury, knowingly and willfully executed, and attempted to execute, a scheme and artifice to obtain, by means of false or fraudulent pretenses, representations, and promises, money and property owned by and under the custody and control of health care benefit programs, in connection with the delivery of and payment for health care benefits, items, and services, to wit: **JEFFREY CAMPBELL** and **PHYSICIANS PRIMARY CARE, PLLC**, and others, caused Proove Biosciences, Inc., a genetic lab company, to falsely and fraudulently bill various health care benefit programs for genetic tests administered to Physicians Primary Care patients that were not medically necessary and never interpreted.

In violation of Title 18, United States Code, Sections 1347 and 2.

NOTICE OF FORFEITURE

1. The Grand Jury realleges counts 1-21 of this Indictment, as set forth above, and incorporates the counts, by reference, as if the same were fully set forth herein.

2. As a result of committing violations of Title 18, United States Code, Sections 1347 and 1349, and Title 21, United States Code, Sections 841 and 846, as alleged in this Indictment, **JEFFREY CAMPBELL, MARK DYER, DAWN ANTLE**, and **PHYSICIANS PRIMARY CARE, PLLC**, defendants herein, shall forfeit to the United States, any and all property constituting, or derived from proceeds defendants obtained, directly or indirectly, as a

result of the offenses alleged in this Indictment, and any property which facilitated or was involved in such offenses, including but not limited to:

a. Money Judgment for the proceeds of these offenses; and

b. Defendants' licenses to practice medicine;

3. If any of the above-described forfeitable property, as a result of any act or omission of the defendants,

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;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the above-described forfeitable property.

Pursuant to Title 18, United States Code, Sections 982(a)(7), and Title 21, United States Code, Section 853.

A TRUE BILL.

FOREPERSON

JOHN E. KUHN, JR.
UNITED STATES ATTORNEY

JEK:LJW:JRA:20170627

UNITED STATES OF AMERICA v. **JEFFREY CAMPBELL, MARK DYER, DAWN ANTLE,** and **PHYSICIANS PRIMARY CARE, PLLC**

PENALTIES

Count 1:	NM 20 yrs./$1,000,000/both/NM 3 yrs. Supervised Release
Counts 2-5:	NM 20 yrs./$1,000,000/both/NM 3 yrs. Supervised Release (each count)
Counts 6-21:	NM 10 yrs./$250,000/both/NM 3 yrs. Supervised Release (each count)
Forfeiture	

NOTICE

ANY PERSON CONVICTED OF AN OFFENSE AGAINST THE UNITED STATES SHALL BE SUBJECT TO SPECIAL ASSESSMENTS, FINES, RESTITUTION & COSTS.

SPECIAL ASSESSMENTS

18 U.S.C. § 3013 requires that a special assessment shall be imposed for each count of a conviction of offenses committed after November 11, 1984, as follows:

Misdemeanor:	$ 25 per count/individual $125 per count/other	Felony:	$100 per count/individual $400 per count/other

FINES

In addition to any of the above assessments, you may also be sentenced to pay a fine. Such fine is due immediately unless the court issues an order requiring payment by a date certain or sets out an installment schedule. You shall provide the United States Attorney's Office with a current mailing address for the entire period that any part of the fine remains unpaid, or you may be held in contempt of court. 18 U.S.C. § 3571, 3572, 3611, 3612

Failure to pay fine as ordered may subject you to the following:

1. **INTEREST** and **PENALTIES** as applicable by law according to last date of offense.

   For offenses occurring after December 12, 1987:

   No **INTEREST** will accrue on fines under $2,500.00.

   INTEREST will accrue according to the Federal Civil Post-Judgment Interest Rate in effect at the time of sentencing. This rate changes monthly. Interest accrues from the first business day following the two week period after the date a fine is imposed.

   PENALTIES of:

   10% of fine balance if payment more than 30 days late.

   15% of fine balance if payment more than 90 days late.

2. Recordation of a **LIEN** shall have the same force and effect as a tax lien.

3. Continuous **GARNISHMENT** may apply until your fine is paid.

18 U.S.C. §§ 3612, 3613

If you **WILLFULLY** refuse to pay your fine, you shall be subject to an **ADDITIONAL FINE** of not more than the greater of $10,000 or twice the unpaid balance of the fine; or **IMPRISONMENT** for not more than 1 year or both. 18 U.S.C. § 3615

RESTITUTION

If you are convicted of an offense under Title 18, U.S.C., or under certain air piracy offenses, you may also be ordered to make restitution to any victim of the offense, in addition to, or in lieu of any other penalty authorized by law. 18 U.S.C. § 3663

APPEAL

If you appeal your conviction and the sentence to pay your fine is stayed pending appeal, the court shall require:

1. That you deposit the entire fine amount (or the amount due under an installment schedule during the time of your appeal) in an escrow account with the U.S. District Court Clerk, or

2. Give bond for payment thereof.

18 U.S.C. § 3572(g)

PAYMENTS

If you are ordered to make payments to the U.S. District Court Clerk's Office, certified checks or money orders should be made payable to the Clerk, U.S. District Court and delivered to the appropriate division office listed below:

LOUISVILLE:	Clerk, U.S. District Court 106 Gene Snyder U.S. Courthouse 601 West Broadway Louisville, KY 40202 502/625-3500
BOWLING GREEN:	Clerk, U.S. District Court 120 Federal Building 241 East Main Street Bowling Green, KY 42101 270/393-2500
OWENSBORO:	Clerk, U.S. District Court 126 Federal Building 423 Frederica Owensboro, KY 42301 270/689-4400
PADUCAH:	Clerk, U.S. District Court 127 Federal Building 501 Broadway Paducah, KY 42001 270/415-6400

If the court finds that you have the present ability to pay, an order may direct imprisonment until payment is made.

FORM DBD-34JUN.85

No.

UNITED STATES DISTRICT COURT

Western District of Kentucky
Louisville Division

THE UNITED STATES OF AMERICA

vs.

JEFFREY CAMPBELL

MARK DYER

DAWN ANTLE

PHYSICIANS PRIMARY CARE, PLLC

INDICTMENT

Title 21 U.S.C. §§ 841(a)(1); 841(b)(1)(C); 841(b)(1)(E)(i); 841(b)(2); 846; Title 18 U.S.C. § 2; 1349; 1347: Conspiracy to Unlawfully Distribute and Dispense Controlled Substances; Aiding and Abetting; Unlawful Distribution and Dispensing of Controlled Substances; Conspiracy to Commit Health Care Fraud; Health Care Fraud.

A true bil

Foreperson

Filed in open court this 27th day, of June, 2017.

Clerk

Bail, $

FILED
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JUN 27 2017
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WEST'N. DIST. KENTUCKY