

FILED

JUL 27 2012

State Grand Jury Judge

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - CRIMINAL**

State Grand Jury

Number SGJ620-12-10

Superior Court

Docket Number 12-07-00136-S

STATE OF NEW JERSEY

v.

JOSEPH SALOMONE, D.C.

INDICTMENT

The Grand Jurors of and for the State of New Jersey, upon their oaths, present that:

COUNT ONE

THROUGH

COUNT ONE HUNDRED AND TWENTY FIVE

(Health Care Claims Fraud - Second Degree)

Between on or about August 16, 2007, and June 4, 2011, in the City of Jersey City, in the County of Hudson; in the City of East Orange, in the County of Essex; in the City of Paterson, in the County of Passaic, elsewhere, and within the jurisdiction of this Court,

JOSEPH SALOMONE, D.C.

who is licensed in this State to practice chiropractic medicine, in the course of providing professional services, knowingly did make, or cause to be made, a false, fictitious, fraudulent, or misleading

statement of material fact in, or knowingly did omit a material fact from, or knowingly did cause a material fact to be omitted from, any record, bill, claim, or other document, in writing, electronically or in any other form, that he did attempt to submit, submit, caused to be submitted, or attempted to cause to be submitted for payment or reimbursement for health care services;

THAT IS, JOSEPH SALOMONE, D.C., a practitioner licensed to practice chiropractic in the State of New Jersey, in the course of providing professional services, knowingly did mislead or misrepresent to Allstate Insurance Company, High Point Insurance Company, Liberty Mutual Insurance Company, New Jersey Manufacturer's Insurance Company, and United States Automobile Association, that information submitted in patient re-evaluation forms for 37 patients accurately stated the results of range of motion tests performed on that particular patient. In fact, Salomone directed his office workers to complete these forms using pre-determined information without regard for the actual test results (if any) for any given patient and then created and submitted bills to the insurance companies based on these false, fictitious, fraudulent, or misleading forms. The falsified re-evaluation forms, the corresponding claim, and the initials of the patient to whom they pertain are listed below:

Count	Patient's Initials	Claim Date	Date of Re-Evaluation
1	Y.A.	7/29/10	7/12/10
2	Y.A.	9/8/10	8/16/10
3	Y.A.	11/7/10	9/27/10
4	Y.A.	12/23/10	10/29/10
5	Y.A.	1/24/11	11/29/10
6	Y.A.	1/24/11	1/3/11
7	A.A.	7/29/10	7/12/10
8	A.A.	9/8/10	8/16/10
9	A.A.	11/7/10	9/27/10
10	A.A.	12/23/10	10/29/10
11	A.A.	12/23/10	11/29/10
12	O.A.	7/29/10	7/12/10
13	O.A.	10/3/10	8/27/10
14	O.A.	12/20/10	10/12/10
15	O.A.	12/20/10	11/19/10
16	O.A.	3/16/11	1/25/11
17	O.A.	6/4/11	5/9/11
18	D.A.	7/29/08	7/7/08
19	T.B.W.	1/5/08	11/26/07
20	T.B.W.	1/5/09	12/26/07
21	T.B.W.	2/13/08	1/30/08
22	T.B.W.	3/3/08	2/20/08
23	T.B.W.	4/2/08	3/24/08
24	T.B.W.	5/8/08	4/23/08

Count	Patient's Initials	Claim Date	Date of Re-Evaluation
25	T.B.W.	7/29/08	5/15/08
26	T.B.W.	7/29/08	6/30/08
27	R.C.	7/20/08	2/14/08
28	R.C.	7/20/08	3/14/08
29	R.C.	7/20/08	4/14/08
30	R.C.	7/20/08	5/15/08
31	R.C.	3/6/10	2/19/10
32	A.D.	9/17/08	8/28/08
33	A.D.	10/16/08	9/29/08
34	A.D.	12/8/08	10/29/08
35	A.D.	2/13/09	12/29/08
36	M.D.	9/17/08	8/28/08
37	M.D.	10/16/08	9/29/08
38	M.D.	12/8/08	10/29/08
39	O.E.	7/19/10	7/12/10
40	O.E.	9/28/10	9/13/10
41	O.E.	10/26/10	10/20/10
42	A.G.	3/12/10	1/16/10
43	E.I.	4/1/10	3/17/10
44	E.I.	5/5/10	4/16/10
45	E.I.	6/14/10	5/14/10
46	E.I.	7/1/10	6/16/10
47	D.K.	3/18/10	3/3/10
48	D.K.	6/9/10	4/2/10

Count	Patient's Initials	Claim Date	Date of Re-Evaluation
49	D.K.	6/9/10	5/11/10
50	S.K.	3/6/10	2/23/10
51	C.K.	2/15/10	1/11/10
52	C.K.	3/25/10	2/12/10
53	D.L.	2/13/9	2/5/9
54	D.L.	4/27/09	4/13/09
55	D.L.	7/16/09	6/22/09
56	D.L.	9/15/09	8/3/09
57	D.L.	10/28/09	10/14/09
58	L.L.	12/29/09	11/23/09
59	L.L.	2/4/10	12/29/09
60	L.L.	3/25/10	2/12/10
61	L.L.	4/21/10	3/26/10
62	L.L.	5/26/10	5/14/10
63	J.L.	10/26/08	10/16/07
64	J.L.	11/28/07	11/20/07
65	J.L.	12/21/07	12/15/07
66	J.L.	2/27/08	2/12/08
67	B.L.	10/3/09	9/8/09
68	B.L.	10/21/10	10/9/09
69	B.L.	12/10/09	11/6/09
70	B.L.	1/6/10	12/8/09
71	L.L.	10/3/09	9/8/09
72	L.L.	10/21/09	10/9/09

Count	Patient's Initials	Claim Date	Date of Re-Evaluation
73	L.L.	11/25/09	11/13/09
74	L.L.	1/6/10	12/14/09
75	E.M.	5/10/10	4/20/10
76	E.M.	6/14/10	5/18/10
77	E.M.	7/8/10	6/21/10
78	E.M.	8/27/10	7/26/10
79	L.M.	1/13/11	12/24/10
80	L.M.	2/10/11	1/24/11
81	L.M.	12/20/10	12/1/10
82	L.M.	1/20/11	1/3/11
83	L.M.	3/3/11	2/4/11
84	L.M.	4/4/11	3/7/11
85	M.M.	1/13/11	12/24/10
86	M.M.	2/17/11	1/24/11
87	M.M.	3/16/11	2/25/11
88	M.M.	4/14/11	3/25/11
89	J.M.	11/1/07	10/18/07
90	D.M.	3/18/10	3/3/10
91	D.M.	4/29/10	4/2/10
92	D.M.	6/14/10	5/4/10
93	C.M.	3/13/09	2/13/09
94	C.M.	4/1/09	3/13/09
95	L.R.O.	5/26/10	5/10/10
96	L.R.O.	7/1/10	6/11/10

Count	Patient's Initials	Claim Date	Date of Re-Evaluation
97	L.R.O.	7/29/10	7/13/10
98	L.R.O.	10/21/10	8/13/10
99	H.P.	10/26/07	6/21/07
100	K.P.	12/07/07	9/24/07
101	K.P.	12/7/07	10/24/07
102	K.P.	12/7/07	11/26/07
103	K.P.	4/10/08	1/28/08
104	K.P.	4/10/08	2/25/08
105	K.P.	4/10/08	3/12/08
106	C.R.	11/10/10	10/5/10
107	C.R.	1/13/11	12/4/10
108	C.R.	4/14/11	2/5/11
109	C.R.	4/14/11	3/12/11
110	C.R.	6/4/11	4/16/11
111	C.R.	10/26/07	8/16/07
112	T.R.	3/6/10	2/19/10
113	N.S.	10/5/08	5/29/08
114	N.S.	10/5/08	6/30/08
115	N.S.	10/5/08	7/31/08
116	D.S.	3/6/10	2/23/10
117	D.S.	4/1/10	3/23/10
118	D.S.	5/5/10	4/23/10
119	F.T.	8/27/10	8/3/09
120	F.T.	10/3/10	9/11/09

Count	Patient's Initials	Claim Date	Date of Re-Evaluation
121	F.T.	10/28/10	10/12/09
122	F.T.	1/29/10	12/7/09
123	F.T.	1/29/10	1/15/10
124	F.T.	5/14/10	5/1/10
125	M.V.	3/6/10	2/19/10

All contrary to the provisions of N.J.S.A. 2C:21-4.2; N.J.S.A. 2C:21-4.3 and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT ONE HUNDRED AND TWENTY SIX

(Attempted Theft by Deception - Second Degree)

Between on or about August 16, 2007, and June 4, 2011, in the City of Jersey City, in the County of Hudson; in the City of East Organge, in the County of Essex; in the City of Paterson, in the County of Passaic, elsewhere, and within the jurisdiction of this Court,

JOSEPH SALOMONE, D.C.

did purposely attempt to obtain the property of another by deception in excess of \$75,000, that is the said JOSEPH SALOMONE, D.C. did purposely attempt to obtain property in the approximate amount of \$196,055 from Allstate Insurance Company, High Point Insurance Company, Liberty Mutual Insurance Company, New Jersey Manufacturer's Insurance Company, and United States Automobile Association, by creating or reinforcing the false impression that information submitted in patient re-evaluation forms accurately stated the results of range of motion tests performed on 37 particular patients, and the pecuniary benefit sought to be obtained was approximately \$196,055,

WHEREAS, IN TRUTH AND FACT, as the said JOSEPH SALOMONE D.C. well knew, the information submitted in the patient re-evaluation forms did not accurately state the results of range of motion tests performed on 37 given patients, because Joseph Salomone, D.C. directed his office workers to complete the re-

evaluation forms (which were submitted in support of claims for each of 37 given patients) using pre-determined information without regard for the actual tests results for any given patient, contrary to the provisions of N.J.S.A. 2C:20-4, N.J.S.A. 2C:5-1, and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT ONE HUNDRED AND TWENTY SEVEN

(Theft by Deception - Second Degree)

Between on or about August 16, 2007, and March 24, 2011, in the City of Jersey City, in the County of Hudson; in the City of East Orange, in the County of Essex; in the City of Paterson, in the County of Passaic, elsewhere, and within the jurisdiction of this Court,

JOSEPH SALOMONE, D.C.

did purposely obtain the property of another by deception in excess of \$75,000, that is the said JOSEPH SALOMONE, D.C. did purposely obtain property in the approximate amount of \$89,283 from Allstate Insurance Company, High Point Insurance Company, Liberty Mutual Insurance Company, New Jersey Manufacturer's Insurance Company, and United States Automobile Association by creating or reinforcing the false impression that information submitted in patient re-evaluation forms accurately stated the results of range of motion tests performed on 37 given patients, and the pecuniary benefit obtained was approximately \$89,283;

WHEREAS, IN TRUTH AND IN FACT, as the said JOSEPH SALOMONE D.C. well knew, the information submitted in the patient re-evaluation forms did not accurately state the results of range of motion tests performed on 37 given patients, because Joseph Salomone, D.C. directed his office workers to complete the re-evaluation forms (which were submitted in support of claims for each of 37 given patients) using pre-determined information without

regard for the actual tests results for any given patient, contrary to the provisions of N.J.S.A. 2C:20-4 and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

Ronald Chillemi

Ronald Chillemi
Acting Insurance Fraud
Prosecutor
Division of Criminal Justice

A TRUE BILL:

Margaret Buckley
Deputy Foreperson

Dated: July 27, 2012

FILED

JUL 27 2012

State Grand Jury Judge

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - CRIMINAL

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STATE OF NEW JERSEY)

v.)

JOSEPH SALOMONE, D.C.)

ORDER OF VENUE

An Indictment having been returned to this Court by the State Grand Jury in the above captioned matter,

IT IS ORDERED on this 27th day of July, 2012, pursuant to paragraph 8 of the State Grand Jury Act, that the County of Hudson be and hereby is designated as the County of venue for the purpose of trial.

IT IS FURTHER ORDERED that the Clerk of the Superior Court shall transmit forthwith the Indictment in this matter and a certified copy of this Order to the Criminal Division Manager of the County of Hudson for filing.

Mary C. Jacobson, A.J.S.C. *MJC*
Mary C. Jacobson, A.J.S.C.