

SUPERIOR COURT OF N.J.
FILED

OCT 11 2006


Acting Clerk

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - CRIMINAL

State Grand Jury

Number SGJ528-06-14

Superior Court

Docket Number

06-10-00115-S

STATE OF NEW JERSEY)

v.)

JUAN CARLOS FISCHBERG)

and)

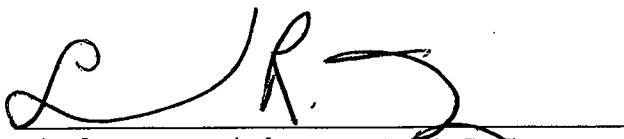
GEZEL VILLANUEVA)

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 11th day of October, 2006,
pursuant to paragraph 8 of the State Grand Jury Act, that the
County of Monmouth 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 Monmouth or filing.


Linda R. Feinberg, A.J.S.C.

OCT 11 2006

Andrew J. Bittig
Acting Clerk

State Grand Jury

Number SGJ 528-06-14

Superior Court **06-10-00115-S**
Docket Number

V.)

INDICTMENT

and

GEZEL VILLANUEVA

COUNT ONE

(Health Care Claims Fraud - Second degree)

JUAN CARLOS FISCHBERG

who was a practitioner, licensed to practice medicine in the State of New Jersey, between on or about January 1, 1998, and on or about August 26, 2003, at the Township of Pluckemin, in the County of Morris, at the Township of Freehold, in the County of Monmouth, at the Township of West New York, in the County of Hudson, elsewhere, and within the jurisdiction of this Court, doing business as Hudson Rehabilitation Medical Center, P.A., knowingly did commit Health Care Claims Fraud in the course of providing professional services, in that the said JUAN CARLOS FISCHBERG did knowingly make, or cause to be made, false, fictitious, fraudulent or misleading statements

of material fact in, or knowingly did omit material facts from, or knowingly did cause material facts to be omitted from, any records, bills, claims or other document, in writing, electronically or in any other form that a person attempted to submit, submitted, caused to be submitted or attempted to cause to be submitted to insurance carriers, to include AAA Insurance Company, AAA-Midlantic Insurance Company, Allstate Insurance Company, CNA Insurance Company, Chubb Insurance Company, First Trenton Insurance Company, Keystone Insurance Company, Liberty Mutual Insurance Company, NJM Insurance Company, Ohio Casualty Insurance Company, One Beacon Insurance Company, Peerless Insurance Company, Progressive Insurance Company, Prudential Insurance Company, Robert Plan Insurance Company, Sentry Insurance Company, and State Farm Insurance Company, for payment or reimbursement for health care services, contrary to the provisions of N.J.S.A. 2C:21-4.3, and against the peace of this State, the government and dignity of the same.

COUNT TWO

(Theft by Deception - Second degree)

JUAN CARLOS FISCHBERG

between on or about January 1, 1998, and on or about August 26, 2003, at the Township of Pluckemin, in the County of Morris, at the Township of Freehold, in the County of Monmouth, at the Township of West New York, in the County of Hudson, elsewhere, and within the jurisdiction of this Court, doing business as Hudson Rehabilitation Medical Center, P.A., did purposely obtain or attempt to obtain property of another in excess of \$75,000 by deception, that is, the said JUAN CARLOS FISCHBERG, doing business as Hudson Rehabilitation Medical Center, P.A., did purposely obtain or attempt to obtain in excess of \$75,000 from insurance carriers, to include AAA Insurance Company, AAA-Midlantic Insurance Company, Allstate Insurance Company, CNA Insurance Company, Chubb Insurance Company, First Trenton Insurance Company, Keystone Insurance Company, Liberty Mutual Insurance Company, NJM Insurance Company, Ohio Casualty Insurance Company, One Beacon Insurance Company, Peerless Insurance Company, Progressive Insurance Company, Prudential Insurance Company, Robert Plan Insurance Company, Sentry Insurance Company, and State Farm Insurance Company, under the Personal Injury Protection benefits provisions of automobile insurance policies by creating or reinforcing the false impression that his patients suffered from medical conditions which made it necessary for him to perform electrodiagnostic testing for diagnostic and treatment

purposes thereby entitling the said JUAN CARLOS FISCHBERG to compensation for said medical services,

WHEREAS, IN TRUTH AND IN FACT, as the said JUAN CARLOS FISCHBERG well knew, the electrodiagnostic testing was not medically necessary and he was not entitled to compensation for these medical services, contrary to the provisions of N.J.S.A. 2C:20-4, N.J.S.A. 2C:20-2b(4) and N.J.S.A. 2C:5-1, and against the peace of this State, the government and dignity of the same.

COUNT THREE

(Theft by Deception - Second degree)

JUAN CARLOS FISCHBERG

between on or about January 1, 1998, and on or about August 26, 2003, at the Township of Pluckemin, in the County of Morris, at the Township of Freehold, in the County of Monmouth, at the Township of West New York, in the County of Hudson, elsewhere, and within the jurisdiction of this Court, doing business as Hudson Rehabilitation Medical Center, P.A. did purposely obtain or attempt to obtain property of another in excess of \$75,000 by deception, that is, the said JUAN CARLOS FISCHBERG, doing business as Hudson Rehabilitation Medical Center, P.A., did purposely obtain or attempt to obtain in excess of \$75,000 from insurance carriers, to include AAA Insurance Company, AAA-Midlantic Insurance Company, Allstate Insurance Company, CNA Insurance Company, Chubb Insurance Company, First Trenton Insurance Company, Keystone Insurance Company, Liberty Mutual Insurance Company, NJM Insurance Company, Ohio Casualty Insurance Company, One Beacon Insurance Company, Peerless Insurance Company, Progressive Insurance Company, Prudential Insurance Company, Robert Plan Insurance Company, Sentry Insurance Company, and State Farm Insurance Company, under the Personal Injury Protection benefits provisions of automobile insurance policies by creating or reinforcing the false impression that he performed all electrodiagnostic test procedures billed for,

WHEREAS, IN TRUTH AND IN FACT, as the said JUAN CARLOS FISCHBERG well knew, he did not perform all the electrodiagnostic test procedures billed for, contrary to the provisions of N.J.S.A. 2C:20-4, N.J.S.A. 2C:20-2b(4) and N.J.S.A. 2C:5-1, and against the peace of this State, the government and dignity of the same.

COUNT FOUR

(Falsifying Medical Records - Fourth Degree)

JUAN CARLOS FISCHBERG

between on or about January 1, 1998, and on or about August 26, 2003, at the Township of West New York, in the County of Hudson, elsewhere, and within the jurisdiction of this Court, doing business as Hudson Rehabilitation Medical Center, P.A., purposely did destroy, alter or falsify records relating to the care of medical patients in order to deceive or mislead a person as to information concerning the patient, that is, the said JUAN CARLOS FISCHBERG did purposely alter or falsify treatment notes of his patients covered by the Personal Injury Protection benefits provisions of policies of insurance in order to deceive or mislead insurance carriers, to include AAA Insurance Company, AAA-Midlantic Insurance Company, Allstate Insurance Company, CNA Insurance Company, Chubb Insurance Company, First Trenton Insurance Company, Keystone Insurance Company, Liberty Mutual Insurance Company, NJM Insurance Company, Ohio Casualty Insurance Company, One Beacon Insurance Company, Peerless Insurance Company, Progressive Insurance Company, Prudential Insurance Company, Robert Plan Insurance Company, Sentry Insurance Company, and State Farm Insurance Company, as to information concerning these patients, contrary to the provisions of N.J.S.A. 2C:21-4.1, and against the peace of this State, the government and dignity of the same.

COUNT FIVE

(Falsifying Medical Records - Fourth Degree)

JUAN CARLOS FISCHBERG

between on or about January 1, 1998, and on or about August 26, 2003, at the Township of West New York, in the County of Hudson, elsewhere, and within the jurisdiction of this Court, doing business as Hudson Rehabilitation Medical Center, P.A., purposely did destroy, alter or falsify records relating to the care of medical patients in order to deceive or mislead a person as to information concerning the patient, that is, the said JUAN CARLOS FISCHBERG did purposely alter or falsify records documenting electrodiagnostic test results of his patients covered by the Personal Injury Protection benefits provisions of policies of insurance in order to deceive or mislead insurance carriers, to include AAA Insurance Company, AAA-Midlantic Insurance Company, Allstate Insurance Company, CNA Insurance Company, Chubb Insurance Company, First Trenton Insurance Company, Keystone Insurance Company, Liberty Mutual Insurance Company, NJM Insurance Company, Ohio Casualty Insurance Company, One Beacon Insurance Company, Peerless Insurance Company, Progressive Insurance Company, Prudential Insurance Company, Robert Plan Insurance Company, Sentry Insurance Company, and State Farm Insurance Company, as to information concerning these tests, contrary to the provisions of N.J.S.A. 2C:21-4.1, and against the peace of this State, the government and dignity of the same.

COUNT SIX

(False Swearing - Fourth Degree)

JUAN CARLOS FISCHBERG

on or about February 20, 2002, at the Township of Secaucus, in the County of Hudson, elsewhere, and within the jurisdiction of this Court, knowingly did falsely state while under oath or equivalent affirmation, in substance and in effect as follows: that he maintained EMG and NCV worksheets in the files of each person on whom he administered these tests,

WHEREAS IN TRUTH AND IN FACT, such statements the said JUAN CARLOS FISCHBERG did not believe to be true, contrary to the provisions of N.J.S.A. 2C:28-2a, and against the peace of this State, the government and dignity of the same.

COUNT SEVEN

(Conspiracy - Second Degree)

JUAN CARLOS FISCHBERG

and

GEZEL VILLANUEVA

who are named as defendants herein, between on or about March 5, 2003, and on or about December 31, 2003, at the Township of West New York, in the County of Hudson, elsewhere, and within the jurisdiction of this Court, with the purpose of promoting and facilitating the commission of the crime of Financial Facilitation of Criminal Activity did agree that:

- A. One or more of them would knowingly engage in conduct which would constitute the aforesaid crime and
- B. One or more of them would knowingly aid in the planning, solicitation and commission of said crime that is:
 - 1. the said JUAN CARLOS FISCHBERG and GEZEL VILLANUEVA did engage in transactions involving property, in an amount of \$500,000 or more, known to be derived from criminal activity, or which a reasonable person would believe to be derived from criminal activity, knowing that the transactions were designed in whole or in part to conceal or disguise the nature, location, source, ownership or control of the property derived from criminal activity, in violation of the

provisions of N.J.S.A. 2C:21-25b(2) (a) .

All contrary to the provisions of N.J.S.A. 2C:5-2, and against the peace of this State, the government and dignity of the same.

COUNT EIGHT

(Money Laundering - First Degree)

JUAN CARLOS FISCHBERG

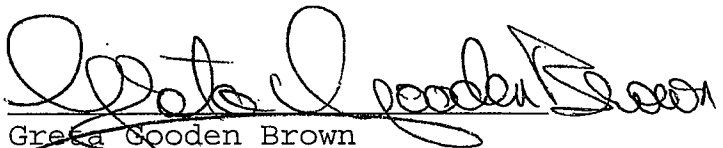
and

GEZEL VILLANUEVA

between on or about March 5, 2003, and on or about December 31, 2003, at the Township of West New York, in the County of Hudson, elsewhere, and within the jurisdiction of this Court, did engage in transactions involving property, in an amount of \$500,000 or more, known to be derived from criminal activity, or which a reasonable person would believe to be derived from criminal activity, knowing that the transactions were designed in whole or in part to conceal or disguise the nature, location, source, ownership or control of the property derived from criminal activity, that is the said JUAN CARLOS FISCHBERG and GEZEL VILLANUEVA did transfer funds totaling \$500,000 or more known to be derived from criminal activity, or which a reasonable person would believe to be derived from criminal activity, to South America and to the Capital Trust Company of Delaware, knowing that the transactions were designed in whole or in part to conceal the nature, location, source, ownership or control of the property which they knew to be derived from criminal activity, contrary to the provisions of N.J.S.A. 2C:21-25b(2) (a) and

N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

GREGORY A. PAW, DIRECTOR

By: 
Greta Gooden Brown
Insurance Fraud Prosecutor
Division of Criminal Justice

A TRUE BILL:


_____, Foreperson

Dated: 10-11-06