

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION**

Case No.: _____

GOVERNMENT EMPLOYEES INSURANCE CO.,
GEICO INDEMNITY CO., GEICO GENERAL
INSURANCE COMPANY and GEICO CASUALTY CO.,

Plaintiffs,

Jury Trial Demanded

vs.

TITAN WELLNESS CENTER OF FORT MYERS, L.L.C.,
HOA H. NGUYEN, D.C., ISO-DIAGNOSTICS TESTING,
INC., DAVID BARUCH, JOEL D. STEIN, D.O., P.A., and
JOEL D. STEIN, D.O.,

Defendants.

COMPLAINT

Plaintiffs, Government Employees Insurance Co., GEICO Indemnity Co., GEICO General Insurance Company and GEICO Casualty Co. (collectively “GEICO” or “Plaintiffs”), sue Defendants and allege as follows:

1. This action seeks to recover more than \$2,800,000.00 that Defendants wrongfully obtained from GEICO by submitting thousands of fraudulent and unlawful no-fault (“no-fault”, “personal injury protection”, or “PIP”) insurance charges through Defendants Titan Wellness Center of Fort Myers, L.L.C. (“Titan Wellness”), ISO-Diagnostics Testing, Inc. (“ISO-Diagnostics”), and Joel D. Stein, D.O., P.A. (“Stein P.A.”) relating to medically unnecessary, illusory, unlawful, and otherwise non-reimbursable health care services and goods, including purported examinations, physical therapy services, chiropractic services, range of motion testing, muscle strength testing, ligament laxity testing, and home medical equipment (“HME”)

(collectively, the “Fraudulent Services”), that purportedly were provided to Florida automobile accident victims (“Insureds”) who were eligible for coverage under GEICO no-fault insurance policies.

2. In addition, GEICO seeks a declaration that it is not legally obligated to pay reimbursement of more than \$75,000.00 in pending, fraudulent and unlawful PIP claims that Defendants have submitted through Titan Wellness, ISO-Diagnostics, and Stein P.A., because:

- (i) at all relevant times: (a) Titan Wellness, ISO-Diagnostics, and Stein P.A. operated in violation of the Florida Health Care Clinic Act, Fla. Stat. § 400.990 et seq. (the “Clinic Act”); (b) Titan Wellness, ISO-Diagnostics, and Stein P.A. operated in violation of Florida’s patient brokering act, Fla. Stat § 817.505 (the “Patient Brokering Act”); (c) Titan Wellness, ISO-Diagnostics, and Stein P.A. operated in violation of Florida’s anti-kickback statute, Fla. Stat. § 456.054 (the “Anti-Kickback Statute”); and (d) Titan Wellness operated in violation of Florida law governing home medical equipment provider licensure (the “HME Licensing Laws”), Fla. Stat. §§ 400.93 and 408.806;
- (ii) the underlying Fraudulent Services were not medically necessary, and were provided -- to the extent that they were provided at all -- pursuant to pre-determined fraudulent protocols designed to financially enrich Defendants, rather than to treat or otherwise benefit the Insureds who purportedly were subjected to them;
- (iii) in many cases, the Fraudulent Services never were provided in the first instance; and
- (iv) the billing codes used for the Fraudulent Services misrepresented and exaggerated the level of services that purportedly were provided in order to fraudulently inflate the charges submitted to GEICO.

3. Each and every charge submitted through Titan Wellness, ISO-Diagnostics, and Stein, P.A. since at least 2017 has been fraudulent and unlawful for the reasons set forth herein. The charts annexed hereto as Exhibits “1” - “3” set forth a large and representative sample of the fraudulent and unlawful claims that have been identified to date that have been submitted to GEICO by mail through Titan Wellness, ISO-Diagnostics, and Stein, P.A.

4. The Defendants' interrelated fraudulent schemes began no later than 2017, and have continued uninterrupted since that time.

THE PARTIES

I. Plaintiffs

5. Plaintiffs Government Employees Insurance Co., GEICO Indemnity Co., GEICO General Insurance Company and GEICO Casualty Co. (collectively, "GEICO") are Nebraska corporations with their principal places of business in Chevy Chase, Maryland. GEICO is authorized to conduct business and to issue automobile insurance policies in Florida.

II. Defendants

6. Defendant Hoa H. Nguyen, D.C. ("Nguyen") resides in and is a citizen of Florida.

7. Nguyen was licensed to practice chiropractic in Florida on September 18, 2009, but never has been licensed as a physician.

8. Nguyen was the member and owner of Titan Wellness, purported to perform or directly supervise virtually all of the Fraudulent Services at Titan Wellness, and used Titan Wellness as a vehicle to submit fraudulent and unlawful PIP insurance billing to GEICO and other insurers.

9. Defendant Titan Wellness is a Florida limited liability company with its principal place of business in Fort Myers, Florida.

10. Titan Wellness was organized in Florida on or about July 7, 2015, had Nguyen as its member and owner, and was used as a vehicle to submit fraudulent and unlawful PIP insurance billing to GEICO and other insurers.

11. At all relevant times, Titan Wellness falsely purported to be exempt from health care clinic licensure requirements pursuant to Fla. Stat. § 400.9905(4)(g).

12. Defendant David Baruch (“Baruch”) resides in and is a citizen of Florida.

13. Upon information and belief based on a review of Florida Department of Health records, Baruch is not a licensed physician or other licensed health care professional.

14. Baruch owned and controlled ISO-Diagnostics, and used ISO-Diagnostics as a vehicle to submit fraudulent and unlawful no-fault insurance billing to GEICO and other insurers.

15. Defendant ISO-Diagnostics is a Florida corporation with its principal place of business in Fort Lauderdale, Florida.

16. ISO-Diagnostics was incorporated in Florida on or about April 10, 2005, was owned by Baruch, and was used as a vehicle to submit fraudulent and unlawful PIP insurance billing to GEICO and other insurers.

17. At all times, ISO-Diagnostics falsely purported to a properly licensed health care clinic that operated in compliance with the licensing and operating requirements set forth in the Clinic Act.

18. Defendant Joel D. Stein, D.O. (“Stein”) resides in and is a citizen of Florida.

19. Stein was licensed to practice medicine in Florida on June 30, 1984.

20. Stein owned and controlled Stein P.A., purported to perform or directly supervise virtually all of the Fraudulent Services at Stein P.A., falsely purported to serve as medical director at ISO-Diagnostics, and caused fraudulent and unlawful PIP insurance billing to be submitted through Stein P.A. and ISO-Diagnostics to GEICO and other insurers.

21. Defendant Stein P.A. is a Florida corporation with its principal place of business in Fort Lauderdale, Florida.

22. Stein P.A. was incorporated in Florida on or about March 16, 1987, was owned by Stein, and was used as a vehicle to submit fraudulent and unlawful PIP insurance billing to GEICO and other insurers.

23. At all relevant times, Stein P.A. falsely purported to be exempt from health care clinic licensure requirements pursuant to Fla. Stat. § 400.9905(4)(g).

III. Other Relevant Individuals

24. Although GEICO has not named them as Defendants in this Complaint, Rosemary Sachs, A.P.R.N. (“Sachs”) and Kris Poncev (“Poncev”) are relevant to understanding Plaintiffs’ claims in this action.

25. Sachs is licensed in Florida as an advanced practice registered nurse, and -- at Stein and Stein P.A.’s direction -- purported to perform many of the Fraudulent Services that were billed through Stein P.A. to GEICO.

26. Upon information and belief based on a review of Florida Department of Health records, Poncev is not licensed to practice any health care profession. Even so, Poncev -- at Baruch, ISO-Diagnostics, and Stein’s direction -- purported to perform many of the Fraudulent Services that were billed through ISO-Diagnostics to GEICO.

JURISDICTION AND VENUE

27. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. § 1332(a)(1) because the total matter in controversy, exclusive of interest and costs, exceeds the jurisdictional threshold of \$75,000.00, and is between citizens of different states.

28. This Court also has original jurisdiction pursuant to 28 U.S.C. § 1331 over claims brought under 18 U.S.C. §§ 1961 et seq. (the Racketeer Influenced and Corrupt Organizations (“RICO”) Act).

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