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EASTERN DISTRICT *of* VIRGINIA

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Department of Justice

U.S. Attorney's Office

Eastern District of Virginia

FOR IMMEDIATE RELEASE

Tuesday, August 12, 2014

Northern Virginia Dermatologist Charged With Health Care Fraud

***UPDATE** Nov. 30, 2015 - Dr. Bajoghli was found not guilty on all counts after a 16-day trial. Original press release announcing the indictment is below.*

ALEXANDRIA, Va. – Amir Bajoghli, 44, of McLean, Virginia—a dermatologist, the owner of the Skin & Laser Surgery Center and a former *Washingtonian* magazine “Top Doctor”—was indicted by a federal grand jury today on 60 counts of health care fraud, aggravated identity theft and obstruction of justice.

Dana J. Boente, U.S. Attorney for the Eastern District of Virginia; Timothy A. Gallagher, Acting Assistant Director in Charge of the FBI's Washington Field Office; Nicholas DiGiulio, Special Agent in Charge of the Office of Inspector General for the U.S. Department of Health and Human Services(HHS); Robert Craig, Special Agent in Charge for the Defense Criminal Investigative Service's (DCIS) Mid-Atlantic Field Office; and Patrick E. McFarland, Inspector General of the U.S. Office of Personnel Management (OPM), made the announcement.

According to the indictment, from 2009 to 2012, Bajoghli defrauded various health care benefit programs through his medical practice, the Skin and Laser Surgery Center, which had offices in Stafford, Woodbridge and Vienna, Virginia, and in Washington, D.C.

First, the indictment charges that Bajoghli intentionally misdiagnosed patients with skin cancer, performed unnecessary and invasive Mohs micrographic surgery on patients' benign skin tissue and submitted claims to health care benefit programs on the basis of fraudulent skin cancer diagnosis codes and false certifications that the procedures had been medically necessary for the health of the patients. According to the indictment, Bajoghli also at times billed health care benefit programs for Mohs surgeries that he did not in fact perform. Bajoghli also allegedly directed his staff to improperly dispose of medical waste at his practices.

Second, the indictment charges that Bajoghli directed his unlicensed and unqualified medical assistants to perform wound closures, including complex suturing and skin grafts, on Mohs surgery patients at follow-up office visits. The indictment alleges that during these procedures, Bajoghli was seeing patients at other office locations and critical decisions regarding patient care were left to the medical assistants' judgment. In addition, the procedures were fraudulently billed to health care benefit programs as if Bajoghli had performed or personally supervised the procedures. The obstruction of justice charge alleges that, during the course of the government's investigation, Bajoghli directed his office staff to tell inquiring patients that he had personally performed their wound closures, regardless of whether that was in fact true.

Third, the indictment charges that Bajoghli fraudulently billed health care benefit programs under his provider number for services rendered by his nurse practitioner and physician's assistant when he was not present at the office where the services were provided. Bajoghli is alleged to have fraudulently certified to health care benefit programs that he had personally provided or personally and immediately supervised the services. The alleged conduct, at times, amounted to Bajoghli fraudulently billing as if he was seeing patients at three locations at once.

Finally, the indictment charges that Bajoghli defrauded health care benefit programs with respect to billing for the preparation and evaluation of permanent section biopsy slides. The indictment alleges that Bajoghli paid an Ohio company approximately \$5 per slide to prepare the slides and a Connecticut dermatopathologist approximately \$10 per slide to evaluate them, render diagnoses and prepare pathology reports. According to the indictment, Bajoghli and the dermatopathologist falsely represented the reports as Bajoghli's work product to allow the dermatopathologist to avoid malpractice exposure, and Bajoghli fraudulently billed both the preparation and evaluation of the specimens at up to \$450 per slide as if he had performed both services.

If convicted, Bajoghli faces a maximum penalty of ten years in prison on each health care fraud count, a mandatory two-year consecutive sentence for each of the aggravated identity theft counts, and a maximum penalty of 20 years in prison on the obstruction of justice count.

This case was investigated by the FBI's Washington Field Office, HHS's Office of the Inspector General, DCIS and OPM's Office of the Inspector General. Assistant U.S. Attorney Paul J. Nathanson is prosecuting the case.

Criminal indictments are only charges and not evidence of guilt. A defendant is presumed to be innocent until and unless proven guilty.

A copy of this press release may be found on the website of the [U.S. Attorney's Office](#) for the Eastern District of Virginia. Related court documents and information may be found on the website of the [District Court](#) for the Eastern District of Virginia or on [PACER](#) by searching for Case No. 1:14-cr-278.

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Updated December 21, 2015