

**FIRM NEWS**

# Schulte Client Found Not Guilty of Health Care Fraud

**November 30, 2015**

Schulte represented a prominent Washington D.C.-area Mohs surgeon in his acquittal of health care fraud today in the Eastern District of Virginia.

The surgeon was indicted by a federal grand jury in August 2014 on 60 counts of health care fraud, aggravated identity theft and obstruction of justice. The indictment charged that he 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 diagnosis codes and false certifications that the procedures had been medically necessary for the health of the patients.

During the five-week trial, U.S. District Judge Gerald Bruce Lee of the Eastern District of Virginia threw out the identity theft charges, and the Department of Justice dismissed multiple fraud counts because the cross-examination of the FBI case agent revealed that the DOJ failed to review relevant exculpatory evidence before bringing the charges. The jury then unanimously found the surgeon not guilty of the remaining 41 charges.

Litigation partner Peter H. White, a former federal prosecutor, served as lead trial and appellate counsel for the surgeon and said, "I am delighted that the jury reached the right result. The judge did a magnificent job given his grasp of the issues and his ability to marshal the evidence in a complex trial. Our client is an excellent doctor, and it is time for him to return to work."

The surgeon was represented by Peter H. White and Kirk Ogrosky and Murad Hussain from Arnold & Porter LLP.

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## Related People



**Peter  
White**

Of Counsel  
Washington, DC

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## Practices

**LITIGATION**

**SEC ENFORCEMENT AND WHITE COLLAR DEFENSE**