

Department of Justice
U.S. Attorney's Office
Eastern District of California

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Sacramento Woman Sentenced for a Health Care Fraud Scheme that Billed for Unnecessary or Unperformed Dental Work

SACRAMENTO, Calif. — Nichol Lomack, aka Nichol Ramirez, of Sacramento, was sentenced today by United States District Judge Morrison C. England Jr. to 21 months in prison for health care fraud, Acting United States Attorney Phillip A. Talbert announced. Additionally, Judge England ordered Lomack to pay \$726,300 in restitution.

According to court documents, from 2001 until November 12, 2010, Lomack worked for a dental practice in Sacramento owned and operated by Dr. David M. Lewis. Lomack was responsible for processing and submitting claims to insurance carriers for reimbursement for dental services provided by Lewis. Beginning in late 2008 or early 2009, Lewis began targeting United Parcel Service Inc. employees for dental treatment because their health care plan under the Northern California General Teamsters Security Fund provided 100 percent dental coverage without any annual limits. Lewis offered cash and other incentives to UPS employees for receiving dental treatment or for recruiting other UPS employees to receive such treatment.

According to the plea agreement, upon Lewis's instruction, Lomack submitted claims to Delta Health Systems, which administered the UPS health care plan, that billed the plan for work that was never performed or for dental work that was unnecessary. Lomack knew that the claims contained false statements relating to services rendered when she submitted them to Delta.

In furtherance of the scheme, Lewis and Lomack created false narratives for dental work that was not performed or created false statements about purported pre-existing dental conditions to justify the work performed. In some instances, Lewis drilled into healthy teeth to install temporary fillings and instructed his assistants to take X-rays of the temporary fillings. Thereafter, Lomack submitted claims to Delta with the X-rays falsely claiming that the X-rays depicted tooth decay that justified further restorative procedures.

"This defendant assisted in a fraud scheme that not only plundered funds meant to provide essential services, but inflicted pain and suffering on patients by performing unnecessary dental procedures, all in the name of additional profit," said Acting U.S. Attorney Talbert. "We are gratified by today's sentence and thankful for the critical work done by our partners in the Department of Labor and the State of California."

Lewis was sentenced to three years and 10 months in prison and was fined \$75,000 for his role in the health care fraud scheme and ordered to pay \$726,300 in restitution. (2:14-cr-045 MCE)

These cases were the product of an investigation by the U.S. Department of Labor, Office of Inspector General and the U.S. Department of Labor, Employee Benefits Security

Administration with assistance from the California Dental Board and the California Attorney General's Office. Assistant United States Attorney Todd A. Pickles prosecuted the cases.