

SOUTH FLORIDA JANUARY 19, 2017 12:26 PM

Miami cardiologist acquitted in \$57 million Medicare fraud case



Dr. Michael Bahrami, second from right, celebrates with his wife, Mahsa, and his defense attorneys, Lauren Doyle and David O. Markus, after the cardiologist was acquitted Wednesday of receiving kickbacks for patient referrals to home healthcare agencies that bilked the Medicare program. Handout

BY JAY WEAVER

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A Miami-Dade cardiologist has been acquitted of receiving thousands of dollars in kickbacks as part of a \$57 million Medicare fraud scheme.

Dr. Michael Bahrami, 61, who practices in the Aventura area, was found not guilty Wednesday by a Miami federal jury on a single conspiracy charge of defrauding the government. He had faced up to five years in prison in a case that threatened to end his medical career.

His acquittal was noteworthy because there had been a series of other convictions in the scheme. Two other Miami physicians, Jose Avila, 58, and Kansky Delisma, 49, pleaded guilty last year to the same accusations, which involved accepting kickbacks for referring patients to local home healthcare agencies that prosecutors say submitted \$57 million in false claims to the taxpayer-funded Medicare program.

Operators of three home healthcare agencies accused of paying off those two doctors and Bahrami were also convicted through plea deals or at trial. Their agencies collected \$44 million from Medicare as a result of filing bogus bills.

Bahrami, his defense attorneys and several of the doctor's patients rejoiced following the not guilty verdict in the three-day trial before U.S. District Judge Cecilia Altonaga.

"Dr. Bahrami has always put his patients first,"

said David O. Markus, who defended the physician along with attorney Lauren Doyle. “He made legitimate referrals for needy patients and never got paid a dime for those referrals.”

Over the last decade, federal prosecutors have won convictions against dozens of South Florida physicians accused of fleecing Medicare by writing boguspatient referrals to home healthcare agencies. That sector of the industry has come under intense scrutiny for fraudulently billing Medicare to treat purportedly home-bound patients with insulin injections, physical therapy and nursing services that they don’t actually need.

The cost to Medicare grew so out of control that the agency put a cap on billing by home healthcare agencies in South Florida, which has long been recognized as the capital of healthcare fraud.

Last year, the physicians Bahrami, Avila and Delisma were charged with conspiring to defraud Medicare by accepting kickbacks from the operators of three Miami-Dade home healthcare agencies — Willsand, JEM and Healthy Choice — between 2006 and 2012.

Eulises Escalona, 48, owner of Willsand and JEM, pleaded guilty to defrauding Medicare and was initially sentenced to 10 years in prison. But that was reduced to six years because of his assistance to federal prosecutors.

Cynthia Vilches, 48, owner of Healthy Choice, pleaded guilty to the same charge and is

awaiting sentencing.

Khaled Elbeblawy, 40, an owner or manager of all three agencies, initially cooperated with prosecutors but then went to trial last year and represented himself after firing his defense attorney. It didn't end well, resulting in guilty verdicts and a 20-year prison term.

Although Elbeblawy stopped assisting the feds as a cooperating witness, more than 30 video recordings that he made of conversations with physicians who referred patients to the three home healthcare agencies were allowed by the judge to be used in Bahrami's trial.

But the attorneys defending Bahrami, who did his internship at Mt. Sinai hospital in Miami Beach, were able to raise doubts in the minds of jurors because their client was never caught on tape accepting any illicit payoffs for patient referrals.

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