

CHRISTOPHER PORRINO
ATTORNEY GENERAL OF NEW JERSEY
R.J. Hughes Justice Complex
25 Market Street
P.O. Box 117
Trenton, New Jersey 08625
Attorney for Plaintiff-Intervenor

By: Anna M. Lascurain
Deputy Attorney General
(609)984-8469
Anna.lascurain@dol.lps.state.nj.us
NJ Attorney ID No. 006211994

ALLSTATE INDEMNITY COMPANY,
ALLSTATE INSURANCE COMPANY,
ALLSTATE NEW JERSEY INSURANCE
COMPANY, ALLSTATE NEW JERSEY
PROPERTY AND CASUALTY INSURANCE
COMPANY, ALLSTATE PROPERTY AND
CASUALTY INSURANCE COMPANY,
ENCOMPASS PROPERTY AND CASUALTY
COMPANY OF NEW JERSEY AND
ENCOMPASS INSURANCE COMPANY OF
NEW JERSEY,

Plaintiffs,

v.

JOHN K. BURGER, D.O., WAYNE
MILLER, D.C., TATIANA SHARAHY,
M.D., JAY PARIS, D.C., RICHARD
RYAN, D.C., SCOTT PARIS, M.D.,
MARIA ALVAREZ-PRIETO, M.D.,
YINGGANG ZHENG, M.D., JOHN
BURGER, D.O. P.A., HEALTH ONE
MEDICAL & PHYSICAL
REHABILITATION, L.L.C.,
INNOVATIVE SPINE CARE, L.L.C.
D/B/A PURE ANTI-AGING MEDICAL
CENTER, NEUROHEALTH MEDICAL
SERVICES, P.C., NEUROLOGY AND
PAIN MANAGEMENT CENTER, P.C.,
NEUROLOGY AND PAIN TREATMENT

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY

DOCKET NO. BER-L-627-13

CIVIL ACTION

STIPULATION OF SETTLEMENT
(As to Maria Alvarez-Prieto,
M.D. and Neurology and Pain
Management, P.C. Only)

CENTER, P.C., NEUROWAVE, L.L.C.
A/K/A IMR NEUROTESTING, RICARDO
MENDEZ AND JOHN DOES 1-100,
Defendants,

v.

RICHARD J. BADOLATO, COMMISSIONER
OF THE NEW JERSEY DEPARTMENT OF
BANKING AND INSURANCE,
Plaintiff-Intervenor,

v.

JOHN K. BURGER, D.O., WAYNE
MILLER, D.C., TATIANA SHARAHY,
M.D., JAY PARIS, D.C., RICHARD
RYAN, D.C., SCOT PARIS, M.D.,
MARIA ALVAREZ-PRIETO, M.D.,
YINGGANG ZHENG, M.D., JOHN
BURGER, D.O. P.A., HEALTH ONE
MEDICAL & PHYSICAL
REHABILITATION, L.L.C.,
INNOVATIVE SPINE CARE, L.L.C.
D/B/A PURE ANTI-AGING MEDICAL
CENTER, NEUROHEALTH MEDICAL
SERVICES, P.C., NEUROLOGY AND
PAIN MANAGEMENT CENTER, P.C.,
NEUROLOGY AND PAIN TREATMENT
CENTER, P.C., NORTHEAST SPINE AND
WELLNESS, L.L.C., NEUROWAVE,
L.L.C. A/K/A IMR NEUROTESTING,
RICARDO MENDEZ AND JOHN DOES 1-
100
Defendants.

WHEREAS, Richard J. Badolato, Commissioner of the New
Jersey Department of Banking & Insurance ("Plaintiff-Intervenor"
or "Commissioner"), and Maria Alvarez-Prieto, M.D., and
Neurology Pain Management, P.C. ("Dr. Prieto" and "NPM"),

(collectively the "Defendants") have reached an amicable agreement resolving the issues in controversy and consent to the entry of the within Stipulation of Settlement; and

WHEREAS, Defendant Dr. Prieto has filed an Answer in which she has denied all of the above mentioned allegations of the Complaint; and

IT IS HEREBY STIPULATED AND AGREED that Defendant, NPM, a company wholly owned by Dr. Prieto, made misleading statements in insurance claims to Allstate Indemnity Company by failing to properly supervise NPM employees, which resulted in the filing of claims for insurance benefits for medical services for unnecessary medical treatment and services, in violation of the New Jersey Insurance Fraud Prevention Act, N.J.S.A. 17:33A-1 et seq. ("Fraud Act"), as alleged in the above-captioned matter, specifically that NPM submitted bills for medical services rendered by NPM's employees that failed to identify and retest where too much artifact was present in videonystagmography (VNG) testing; and

IT IS FURTHER STIPULATED AND AGREED that NPM consents to the payment of civil penalties and insurance surcharges, with notification being made to the appropriate licensing authority;

IT IS FURTHER STIPULATED AND AGREED that any future violation of the Fraud Act by NPM will be considered a subsequent violation; and

WHEREAS IT IS STIPULATED AND AGREED that NPM shall pay a lump sum of \$31,500.00 ("Settlement Amount") to the Commissioner, New Jersey Department of Banking and Insurance, to be satisfied upon the following terms and conditions:

1. Defendant NPM shall pay the amount of \$30,000.00 in a lump sum; and

3. Defendant NPM shall pay a surcharge of \$1,500.00 pursuant to N.J.S.A. 17:33A-5.1.

IT IS FURTHER STIPULATED AND AGREED that Defendant, NPM, upon execution of this Stipulation of Settlement, shall remit to the attorney for the Commissioner of the New Jersey Department of Banking & Insurance a lump sum payment in the amount of \$31,500.00 on behalf of NPM made payable to "Commissioner, New Jersey Department of Banking & Insurance" in a certified check, money order, or attorney trust account check.

IT IS FURTHER STIPULATED AND AGREED that pursuant to N.J.S.A. 17:33A-10c, a copy of this Stipulation of Settlement shall be provided to any appropriate licensing authority and

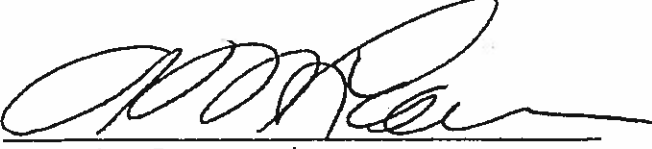
this settlement shall not in any way otherwise bind any state or federal agency;

IT IS FURTHER HEREBY STIPULATED AND AGREED that the penalties of this Stipulation of Settlement are imposed pursuant to the police powers of the State of New Jersey for the enforcement of the law and protection of the public health, safety and welfare, and are not intended to constitute debts which may be limited or discharged in a bankruptcy proceeding.

CONSENTED AS TO FORM, CONTENT AND ENTRY:


CHRISTOPHER S. PORRINO
ATTORNEY GENERAL OF NEW JERSEY
Attorney for Plaintiff-Intervenor

Dated: 12-6-2016

By: 


Anna M. Lascurain
Deputy Attorney General

Dated 12/28/16

By: 

Keith Roberts, Esq.
The Firm of Brach Eichler
101 Eisenhower Parkway
Roseland, NJ 07068
On behalf of Settling Defendants
Maria Alvarez-Prieto, M.D. and
Neurology Pain Management, P.C.

Dated 12/21/2016

By: 

018E8B8A84531A0...
Maria Alvarez-Prieto, M.D.
On behalf of Settling Defendant
Neurology Pain Management, P.C.