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Cancer doctor gets 45 years for 'huge, horrific' crimes

Oralandar Brand-Williams, *The Detroit News* 10:59 p.m. EDT July 10, 2015

Detroit — The notorious oncologist who gave chemotherapy to cancer-free patients, and overmedicated others, as part of an expansive insurance fraud scheme cried and apologized Friday before being sentenced to 45 years in prison.

Dr. Farid Fata will be behind bars until he's 95, but tearful, grief-stricken victims and their family members who attended the sentencing — many wearing yellow to symbolize their hopes for healing and closure — insisted that's not long enough. They and prosecutors hoped Fata would get up to 175 years.

"They should have put him away for life," said Sue Lane, whose husband, Ronnie, died in 2010 of lung cancer after Fata treated him. Friday's sentencing is not the last of the Fata episode.

A restitution hearing will come soon. The patients will get money from a fund expected to be set up from the \$20 million forfeited to the government by Fata. The cash portion of the forfeiture is \$17.6 million. Authorities continue to look for more assets that they can get from Fata, said U.S. Attorney Barbara McQuade.

And separate civil suits are pending.

U.S. District Judge Paul Borman on Friday called Fata's crimes "horrific and unprecedented" before sentencing him for the complex, far-reaching conspiracy aimed at defrauding Medicare and Blue Cross Blue Shield of \$34 million by prescribing unnecessary treatments. Fata, 50, is ineligible for parole.

Fata's conspiracy ensnared several hundred patients across Metro Detroit. He was accused of giving cancer patients overly aggressive doses of chemotherapy while treating others with the powerful drug for cancers they did not have.

The once sought-after oncologist was silent during sentencing hearings this week, refusing to glance at his victims as they recounted how he deceived them and left them with chronic pain and suffering. Friday, his stoicism crumbled as he pleaded, with tears in his eyes, for leniency.

"I stand before you ashamed of my actions ... it all went wrong," Fata said. "I cannot bring back the past. My quest for power is self-destructive.

"I pray for redemption ... I ask the court for mercy," Fata said. "They (patients) came to me seeking compassion and care ... I failed them." His victims were unmoved. After hearing their tormentor's fate, they spoke in anguished tones about their disappointment in the sentence. Robert Sobieray, a retired auto plant supervisor in his early 60s, was treated by Fata for a cancer he never had and lost most of his teeth due to side effects from the cancer drug Zometa. He was stunned when he heard Borman pronounce the 45-year term.

"My heart just dropped," Sobieray said outside the courthouse. "I've got to live with this the rest of my life. He'll probably live longer than me."

"We came here hoping for a maximum sentence today and what we saw was substantially less," said Jeff Berz, whose father was treated by Fata for acute leukemia. "We came here for closure today and I don't feel we got that closure."

Berz said he worries the sentence will create an "open season" for other doctors to commit similar fraud.

"Do I think that justice has been served today? No, I don't," Berz said. "I'm glad he's incarcerated ... but I don't feel good about the verdict. I was hoping he'd receive the maximum.

"I can go home, I can hug my kids, my granddaughter ... Dr. Fata's not going to do that. It does make it somewhat better to know he's going to be in a cell while I'm out enjoying my life."

In handing down Fata's prison sentence Friday, Borman said he abused patients' trust to maximize profit.

"This is a huge, horrific series of criminal acts committed by the defendant," Borman said.

Fata's sentencing caps a two-year investigation into his medical treatment plans and practice in which he billed Medicare and Blue Cross Blue Shield for millions of dollars by having some of his patients get expensive cancer drugs and other treatments he could bill to the health insurers. His scheme, say prosecutors, also involved getting kickbacks for referring patients to a selected hospice program. Federal prosecutors and attorneys for Fata agreed that 553 patients may have been the victims of medical mistreatment. McQuade, the U.S. attorney, said Fata "sized up" patients as potential moneymakers for himself.

"When they came through the door, he sized them up for 'How can I make the most money off this patient?'," McQuade said at a news conference after the sentencing. "Dr. Fata pounced on every opportunity to use a patient's body as a profit center. Dr. Fata did not care for patients: He exploited them as commodities. He over-treated, under-treated and outright lied to patients about whether they had cancer so that he could maximize his own profits."

McQuade, who lost her own father to cancer, called Fata's actions "egregious," adding that "nothing short of a life sentence is appropriate in this case."

Fata pleaded guilty in September to 16 counts of health care fraud, money laundering and conspiracy to give or receive kickbacks. McQuade credited other medical professionals for reporting his wrongdoing to authorities. "This case would not have happened without whistle-blowers," she said.

One of them, George Karadsheh, was the practice manager at Fata's

business, Michigan Hematology and Oncology Inc. In 2013, MHO was the state's largest private cancer practice, with clinics in seven cities, its own pharmacy and diagnostic center and 1,700 patients. The downfall of Fata's cancer treatment empire was triggered in July 2013, when another cancer specialist, Dr. Soe Maunglay, saw some of the oncologist's patients and became suspicious. He dug into patient records and eventually shared his findings with Karadsheh, who alerted the FBI on Aug. 2, 2013, and filed a whistle-blower lawsuit three days later.

Karadsheh said Fata's prison term won't eliminate the harm done to the doctor's victims.

"My reaction is mostly sadness because I realized that despite the sentence, the patients would have to endure pain and suffering long after this decision," Karadsheh said.

Attorney Brian McKeen, managing partner of McKeen & Associates in Detroit, who is representing several of Fata's former patients in a pending civil case, said he found it "particularly disturbing" that Fata told the judge that he accepted responsibility "when in fact he has denied responsibility in each and every lawsuit filed against him." About 40 lawsuits against Fata are pending in Oakland County Circuit Court.

"I will relish the opportunity to depose Dr. Fata on behalf of my clients," McKeen said. "We will not be satisfied until he and the others responsible for this mass tragedy have been made to accept full responsibility in the civil justice system."

bwilliams@detroitnews.com
(313) 222-2027

Detroit News columnist Laura Berman contributed.