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Judge rips up plea deal for doctor accused of fraud

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James David Dickson, The Detroit News



Detroit — A federal judge rejected a plea agreement Friday for Dr. Aria Sabit, a Bloomfield Hills neurosurgeon accused of performing unnecessary spinal surgeries and committing health care fraud.

U.S. District Judge Paul Borman said he did not feel the agreement between Sabit's attorneys and U.S. prosecutors offered him proper discretion.

Sabit, who faced up to 20 years in prison, had pleaded guilty to one count of health care fraud in California, four counts of health care fraud in Michigan and one count of distribution of a controlled substance in May in two separate criminal cases.

He admitted then that his actions caused physical pain to patients in both Michigan and California between 2010 and 2012.

While Sabit faced up to 20 years in prison, the parties had agreed on a term of 108 to 135 months, topping out at just more than 11 years, in addition to restitution for victims in the two states.

“I accept (binding plea agreements) if they are acceptable,” Borman said.

In his alleged schemes, Sabit fraudulently billed and received \$11 million from Medicare, Medicaid and private insurance companies, officials said.

During Friday’s proceeding, Borman also noted “sentencing will not conclude today” after the government had turned in some of its victim impact statements earlier in the day.

Borman called the timing of the submissions “ridiculous,” as it would give him little time to factor them into his decision.

Some victim impact statements from Sabit’s case involving alleged fraud in California had not been assembled and other victims had not yet even been notified of their opportunity to weigh in.

More than a dozen victims came to the Theodore Levin Federal Federal Courthouse on Friday. After the hearing came to an end, assistant U.S. attorneys whisked them into a private room down the hall to discuss what could happen next.

Reached by phone after the hearing, Assistant U.S. Attorney Regina McCullough, deputy chief of the health care fraud unit, said “I’m in no position to comment.”

Brian McKeen, a medical malpractice attorney with McKeen & Associates, who represents several clients who say they were victimized by Dr. Sabit, McKeen said Sabit gave some of his clients “unnecessary spinal surgeries that could affect the rest of their lives.”

Despite the government pushing for restitution in the Sabit case, McKeen said his firm will continue its pursuit of civil action against the doctor. McKeen noted that restitution would likely benefit Medicare and Medicaid, the financial victims of the fraud, and that “patients are at the bottom of the barrel.”

Sabit’s defense counsel has a decision to make within the next 10

days: Whether to strike a new agreement with the government — and hope Borman approves it — or withdraw the plea agreement and proceed to trial.

Joseph Niskar, Sabit's attorney, argued that for the sake of Sabit's family, to protect Sabit's ability to pay restitution, and because he was at low risk for recidivism because he'd agreed to forever leave the medical profession, that his sentence should be less than a decade. Sabit had agreed to forfeit his interest in proceeds from the sale of his Bloomfield Hills home as well as four bank accounts.

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