

# Melissa Jampol Quoted in "Seven Decades in Prison Ordered for Texas Health-Fraud Leader"

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**Melissa L. Jampol**, a Member of the Firm in the Health Care and Life Sciences and Litigation practices, in the firm's New York office, was quoted in the *Bloomberg BNA Health Care Daily Report*, in "Seven Decades in Prison Ordered for Texas Health-Fraud Leader," by Nushin Hug. (*Read the full version – subscription required.*)

Following is an excerpt:

Challenging a judge's sentence is an uphill battle, Melissa Jampol, a former assistant U.S. attorney who has prosecuted health-care fraud cases, told *Bloomberg BNA*. The defendant will try to prove the sentence was substantively unreasonable.

One way to do that is to compare other sentences in similar cases, Jampol said. However, that is difficult because the sentencing judge also sat through the trial and heard all the testimony and saw all the evidence and based the sentence on all of those items, she said. Jampol now focuses on health-care enforcement matters as an attorney with Epstein Becker & Green PC in New York and Newark, N.J.

"The takeaway here is this case shows the dangers of going to trial," Jampol said. "This case is the textbook case of what could happen to you if went to trial on a health-care fraud case in the current health-care fraud sentencing regime."

The judge could have made the sentences on each count to run concurrently instead of consecutively. Jampol cited several health-care fraud cases around the country where the fraud loss

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amount was a higher dollar amount but the sentences were lower.

“The upper range would be about 240 months,” Jampol said. “This is an egregious sentence.”

Jampol cited 18 U.S. Code Section 3553, which outlines factors to be considered in imposing a sentence. The guidelines state, “the court shall impose a sentence sufficient, but not greater than necessary.” Normally, one would expect a prison sentence to range roughly from 10 to 20 years after trial, she said.

“This is an astounding sentence,” Jampol said. “In this case, the judge must have been very, very offended by the conduct.”

The sentence is “essentially a life sentence” for a white-collar crime, Jampol said. She added that most federal cases, including ones that result in loss of life, result in lower sentences.

The Justice Department didn’t respond to a request for comment.