

UNITED STATES DISTRICT COURT
for the
Eastern District of Virginia

ORIGINAL

In the Matter of the Search of)
THE OFFICE OF)
JAVAI D A. PERWAIZ, M.D.)
3003 CHURCHLAND BOULEVARD)
CHESAPEAKE, VIRGINIA 23321)

UNDER SEAL

Case No. 2:19sw

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SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the Eastern District of Virginia: See Attachment A

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal: See Attachment B.

YOU ARE COMMANDED to execute this warrant on or before

November 8, 2019
(not to exceed 14 days)

in the daytime 6:00 a.m. to 10:00 p.m. at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to

ROBERT J. KRASK
UNITED STATES MAGISTRATE JUDGE

Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box)

for ___ days (not to exceed 30) until, the facts justifying, the later specific date of _____.

Date and time issued: Oct. 28, 2019 @ 11:04 a.m.

Robert J. Krask
Judge's signature

ROBERT J. KRASK
UNITED STATES MAGISTRATE JUDGE

City and state: Norfolk, VA

Printed name and title

GOVERNMENT
EXHIBIT
119
2:19cr189

ATTACHMENT A

PREMISES TO BE SEARCHED:

Javaid A. Perwaiz, M.D.
3003 Churchland Boulevard
Chesapeake, Virginia

The primary office of Javaid A. Perwaiz, M.D. is located on Churchland Boulevard between Poplar Hill Road and Taylor Road in Chesapeake, Virginia. The office building, pictured below, is a one story, standalone, red brick building with an attic area. The words "Javaid A. Perwaiz M.D., Obstetrics and Gynecology, 3003 Churchland Blvd." are displayed in white letters on the front of the building. Dr. Perwaiz's practice occupies the entire building.



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ATTACHMENT B

ITEMS TO BE SEIZED

For the time period January 1, 2015, to the present, all items, records, and information, in whatever format or storage medium, including, the media of hard copy, computer hard drive, digital storage devices, or computer disk, that are fruits, evidence, and instrumentalities of violations of 18 U.S.C. §1347 (Health Care Fraud) and/or 18 U.S.C. § 1035 (False Statements Relating to Healthcare Matters).

1. All patient files, in their entirety, including patient histories, exam records, physician notes, patient encounter forms, superbills, obstetrics and gynecology notes, dictation/transcription reports, telephone communication notes, colposcopic examination forms, operations reports, history and physical for operations reports, flowsheets, appointment records, progress notes, consultation reports, documentation of medical treatments, pharmaceutical prescriptions, results of laboratory testing, ultrasound reports, diagnostic imaging reports, any drafts of notes or medical records, and any other medical documentation.
2. Surgical calendar books or other form of surgical schedule(s).
3. All surgical records including patient consent forms, surgical schedules, posting forms, surgical plans, operative notes, operative reports, surgeon's notes, diagrams, dictation and/or transcription, surgical pathology reports, and clinical laboratory services reports
4. Explanation of Benefit (EOB) forms for all patients from all insurance companies.
5. Sign-in sheets, appointment books, patient schedules, calendars, logs, or other documents which would show the physical presence of a patient, the purpose for the visit, and the treatment, if any, provided.
6. Patient account files and associated documentation, including receipts.
7. All documents used in the process of preparing and submitting claims to Medicare, Medicaid, TRICARE, and private insurers, including patient encounter forms, superbills, supporting documentation, notes, memos, ledgers journals, invoices, checks, calendars, and/or work papers.
8. Originals and/or copies of any coding and billing resources, including Current Procedural Terminology (CPT) Manuals.

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9. All correspondence to or from Medicare, Medicaid, TRICARE, private insurers, or any contractor involved in the administration of the Medicare, Medicaid, or TRICARE programs.
10. Originals and/or copies of all regulations, memoranda, policy manuals, bulletins, agreements, handbooks, comparative billing reports, and correspondence relating to, or provided by the Medicare Program, the Virginia Medicaid Program, the TRICARE Program, and/or private health care benefit programs, the Code of Federal Regulations; the Virginia Administrative Code; private health care benefit fee schedules; any and all manuals; instructions, and correspondence and documents relating to third party coverage of Medicare, Medicaid, TRICARE, and private health care beneficiaries and billing for that coverage.
11. Any and all applications, contracts, and agreements between Javaid A. Perwaiz, M.D., and insurance companies.
12. Any and all financial and accounting records which would show the receipt, location and disposition of payments and funding from any source, including records of bank accounts, banking records, records of purchases of assets, records of property owned by Javaid A. Perwaiz, M.D.; including financial statements, ledgers and journals, tax returns and records of loans made to any employee, officer or director; employee time sheets and payroll records, billing documents, records and information. Any and all bank records for Javaid A. Perwaiz, M.D.. Any and all cash receipts and disbursement books and journals, sales journals, records regarding accounts receivable and payable, and check registers. All canceled checks, check stubs, and check books.
13. Any and all records of contact with any regulatory or licensing agency or program, including government and non-governmental entities.
14. Any and all records related to contracts or other agreements made between Javaid A. Perwaiz, M.D. and outside contractors, including information technology consultants, electronic medical recordkeeping services, medical billing services, and practice management software services.
15. Documents consisting, concerning or relating to all current and former employees, including personnel files, employee rosters, names, addresses, telephone numbers, email addresses, time cards or similar records, attendance records, expense reports, training information, certification verification, salary and compensation information, disciplinary records, licensure records, job applications, job descriptions, employment, agreements and W-2 forms.
16. Business ownership records, tax returns, and other items identifying sources of income from providing services to Medicare, Medicaid, TRICARE, and private insurance recipients.
17. Any and all records associated with travel by Javaid A. Perwaiz, M.D.

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18. Any and all applications, contracts, and agreements between hospitals, outpatient surgical centers, and/or medical facilities with Javaid A. Perwaiz, M.D., including the Physician Employment Agreement.

19. Any and all financial and accounting records between hospitals, outpatient surgical centers, and/or medical facilities with Javaid A. Perwaiz, including Compensation Models, Productivity Targets, and Payment Incentives.

20. All correspondence and telephone conversation notes to and from Javaid A. Perwaiz, M.D. including but not limited to other medical facilities and doctors, and to and from any representative of any insurance company, employer, or investigator.

21. Any hysteroscopes or colposcopes, with all associated parts and/or modifying attachments.

22. Computers and Electronic Media, including GE Voluson P8 ultrasound machine.

- a. The authorization includes the search of electronic data to include deleted data, remnant data and slack space. The seizure and search of computers and computer media will be conducted in accordance with the affidavit submitted in support of this warrant.
- b. Computer hardware, meaning any and all computer equipment, including any electronic devices that are capable of collecting, analyzing, creating, displaying, converting, storing, concealing, or transmitting electronic, magnetic, optical or similar computer impulses or data. Included within the definition of computer hardware is any data processing hardware (such as central processing units and self-contained laptop or notebook computers); internal and peripheral storage devices (such as fixed disks, external hard disks, floppy disk drives and diskettes, tape drives, and tapes, optical and compact disk storage devices and other memory storage devices); peripheral input/output devices (such as keyboards, printers, scanners, plotters, video display monitors, and optical readers); related communications devices (such as modems, cables and connections, recording equipment, RAM and ROM units, acoustic couplers, automatic dialers, speed dialers, programmable telephone dialing or signaling devices, and electronic tone generating devices); and any devices, mechanisms, or parts that can be used to restrict access to such hardware (such as physical keys and locks).
- c. Computer software, meaning any and all data, information, instructions, programs, or program codes, stored in the form of electronic, magnetic, optical, or other media, which is capable of being intercepted by a computer or its related components. Computer software may also include data, data fragments, or control characters integral to the operation of computer software, utility programs, compilers, interpreters, communications software, and other programming used or intended to be used to communicate with computer components.

- d. Computer related documentation, meaning any written, recorded, printed, or electronically stored material that explains or illustrates the configuration or use of any seized computer hardware, software or related items.
- e. Computer passwords and data security devices, meaning any devices, programs, or data – whether themselves in the nature of hardware or software – that can be used or are designed to be used to restrict access to, or to facilitate concealment of, any computer hardware, computer software, computer related documentation, or electronic data records. Such items include, but are not limited to, data security hardware (such as encryption devices, chips, and circuit boards); passwords; data security software or information (such as test keys and encryption codes); and similar information that is required to access computer programs or data or to otherwise render programs or data into usable form.
- f. Any computer or electronic records, documents, and materials related to the above-described offense. Such records, documents, or materials, as well as their drafts or modifications, may have been created or stored in various formats, including, but not limited to, any hand-made form (such as writing or marking with any implement on any surface, directly or indirectly); any photographic form (such as microfilm, microfiche, prints, slides, negative, video tapes, motion pictures, or photocopies); any mechanical form (such as photographic records, printing, or typing); any electrical, electronic, or magnetic form (such as tape recordings, cassettes, or compact disks); or any information on any electronic or magnetic storage device (such as floppy diskettes, hard disks, CD-ROMs, optical disks, printer buffers, sort cards, memory calculators, electronic dialers, or electronic notebooks), as well as printouts or readouts from any magnetic storage device.
- g. Any electronic information or data, stored in any form, which has been used or prepared for use either for periodic or random backup (whether deliberate, inadvertent, or automatically or manually initiated), of any computer or computer system. The form that such information might take includes, but is not limited to, floppy diskettes, fixed hard disks, removable hard disk cartridges, tapes, laser disks, CD-ROM disks, video cassettes and other media capable of storing magnetic or optical coding.
- h. Any electronic storage device capable of collecting, storing, maintaining, retrieving, concealing, transmitting, and using electronic data used to conduct computer or Internet-based communications, or which contains material or data obtained through computer or Internet-based communications, including data in the form of electronic records, documents, and materials, including those used to facilitate interstate communications, including but not limited to, telephone (including mobile telephone) and Internet Service Providers. Included within this paragraph is any information stored in the form of electronic, magnetic, optical, or other coding on computer media or on media capable of being read by a computer or computer-related equipment, such as fixed disks, external hard disks, removable hard disk cartridges, floppy disk

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drives and diskettes, tape drives and tapes, optical storage devices, laser disks, or other memory storage devices.

23. Computer and Internet Records

- a. Records of personal and business activities relating to the operation and ownership of the computer systems, such as telephone records, notes, (however and wherever written, stored, or maintained), books, diaries, and reference materials.

24. Photographs of Search

- a. During the course of the search, photographs of the searched premises may also be taken to record the condition thereof and/or the location of items therein.

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