



**U.S. Department of Justice**

Office of Legislative Affairs

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*Office of the Assistant Attorney General*

*Washington, D.C. 20530*

**FEB 20 2020**

The Honorable Mike Levin  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Levin:

This responds to your letter to the Department of Justice (Department) dated August 19, 2019, regarding the need to combat abusive practices in the addiction treatment and recovery industries. We are sending identical responses to the other Members of Congress who signed your letter. We apologize for the delay in our response.

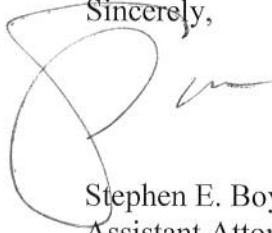
You requested data on the number of cases charged under 18 U.S.C. § 220, a new statute which prohibits the knowing and willful solicitation, receipt, payment, or offer of kickbacks for referrals to recovery homes, clinical treatment facilities, and laboratories. We have queried the United States Attorneys' Offices' case management system and have not identified any cases charged under 18 U.S.C. § 220. This is not unexpected, however, given that the statute was enacted less than one year ago.

The Department takes seriously the need to investigate and prosecute illegal practices such as patient brokering and will carefully consider charging violations of 18 U.S.C. § 220 in appropriate cases. The Department also considers charging violations of other longstanding federal criminal statutes such as 18 U.S.C. § 1347, which makes it illegal to knowingly and willfully defraud, or attempt to defraud, any health care benefit program. Section 1347 carries a statutory maximum penalty of 20 years of imprisonment whereas § 220 has a statutory maximum penalty of 10 years of imprisonment. For example, in 2018, the United States Attorney's Office for the Southern District of Florida charged four defendants with conspiracy to violate 18 U.S.C. § 1347, *i.e.*, health care fraud in connection with running a sober home while paying and receiving patient-brokering kickbacks funded through private health insurance reimbursements. *See United States v. Eric Snyder, et al.*, No. 9:18-CR-80111 (S.D. Fla.).

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We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Boyd", written over the word "Sincerely,".

Stephen E. Boyd  
Assistant Attorney General