

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA : CASE NO. 3:24CR14 (SVN)  
 :  
 v. : April 29, 2024  
 :  
 MICHAEL B. PINES :

**GOVERNMENT’S SENTENCING MEMORANDUM**

The United States submits this memorandum to aid the Court in the upcoming sentencing of the defendant, Michael B. Pines (the “defendant” or “Pines”), which is scheduled for May 10, 2024 at 10 a.m. On January 31, 2024, Pines waived his right to indictment and pled guilty to an information charging him with health care fraud, in violation of 18 U.S.C. § 1347.

As his numerous letters of support attest, Pines was a well-regarded, well-established psychologist who held himself out as an expert on child attachment disorder. Indeed, in 1994 the *New York Times* interviewed Pines on that very topic and he opined on why “inmates ran into trouble with the law.” Ex. 1; *see also* PSR ¶ 70. Ironically, now facing the possibility of jail time himself for engaging in an extensive health care fraud, Pines’s sentencing submission posits that “a chronically high level of anxiety” and “a whole range of cognitive distortions” drove him to commit this fraud. Doc. No. 27 (Letter of Kevin J. Connolly, Ph.D., dated March 27, 2024 (“Connolly Ltr.”)) at 2.<sup>1</sup> As discussed below, the government believes that, in the absence of

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<sup>1</sup> Contrary to Connolly’s statement that Pines sought treatment from him after his arrest, *see* Connolly Ltr. at 1, Pines was never arrested in this case. Rather, the government executed a court-authorized search warrant at Pines’s office on October 25, 2023. *See* PSR ¶ 10. He waived indictment and plead guilty on January 31, 2024 without previously appearing before this Court.

any addiction or serious mental condition, greed fueled this opportunistic crime.

Although the parties may not agree on the “why” in this case, the “what” is not in dispute. Over nearly seven years, Pines overbilled Medicaid by submitting—and being paid for—tens of thousands of false claims for bogus psychotherapy services he did not provide.<sup>2</sup> This entailed submitting phony claims to Medicaid on a near daily basis, week in and week out, year end and year out. As a result, Pines pocketed over \$1.6 million in fraud proceeds. By dividing the loss of \$1,617,659 over the 349 weeks in Pines submitted the subject claims, Pines defrauded Medicaid on average of \$4,635 *per week*. As this conduct shows, he did not use his considerable skills and education to help his patients—particularly vulnerable young children—and earn the money DSS was duped into paying him. Rather, Pines used his Medicaid patients’ information and identities to steal funds that he used to purchase jewelry, support his adult son, and travel. As Pines himself readily acknowledged in the PSR: “I can’t believe how badly I have fallen off the rails. ... [I had] forty years of good work, and six years of complete lack of judgment.” PSR ¶ 62.

A “complete lack of judgment” over six years is a long time, particularly for someone as high achieving as Pines. This scheme was not an aberration or a lapse in judgment; it was a way of life. That this conduct occurred towards the end of an established career underscores the seriousness of Pines’s crime and his betrayal of the Medicaid program and ultimately, his patients. Given all of the choices Pines made, 18 U.S.C. § 3553(a) counsels for a meaningful sentence of incarceration in this case. While the Court can consider Pines’s prompt acceptance

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<sup>2</sup> From February 9, 2017 to September 22, 2023, Pines submitted 22,976 claims (both legitimate and fraudulent) to Medicaid that were paid.

of responsibility and sizeable restitution payment in his favor, a sentence at the bottom of the Guidelines range—which already accounts for the new two-level reduction for zero point offenders—is necessary to comply with § 3553(a).

### **I. The Offense and Relevant Conduct**

Pines has been a licensed psychologist in Connecticut for over 45 years. PSR ¶ 6. At the time of the conduct, he was the sole owner and operator of Michael B. Pines, Ph.D., P.C. in Glastonbury, his psychology practice. Pines had been enrolled individually as a Behavioral Health Clinician provider (with a specialty in psychology) in the Connecticut Medicaid Program since at least September 30, 2014. According to a profile of Pines once had on *Psychology Today*'s website, Pines worked “primarily with children and adolescents and their families experiencing a variety of problems—anxiety, depression, mood disorders, ADHD, autism spectrum disorders, behavioral disorders and notably issues related to trauma, loss and attachment.” Ex. 2 (Doc. No. 11 in 3:23MJ933 (RAR)) ¶ 31. Many of Pines’s clients had histories of foster care or adoption. PSR ¶ 6. The government’s investigation revealed that some of Pines’s Medicaid patients were five years old or younger at the time of alleged services, including some who were only three years old. Ex. 2 ¶¶ 43-44.

From at least January 1, 2017 through October 25, 2023 (the day that the government executed a search warrant at Pines’s office), Pines overbilled Medicaid by more than \$1,600,000 for psychotherapy services not rendered. PSR ¶ 8. During that time, Pines’s claims data to Medicaid revealed that he routinely billed Medicaid for 12 or more hours of services each weekday, except for major holidays, for years. *Id.* A visual chart of all of Pines’s billed claims (i.e., legitimate and fraudulent, paid and denied) to Medicaid follows:

| Pines' Number of Hours Billed Per Day 2017 - 2023 |   |    |    |    |    |    |   |            |   |    |    |    |    |    |            |            |    |    |    |    |    |    |            |            |    |    |    |    |    |    |   |
|---|---|----|----|----|----|----|---|------------|---|----|----|----|----|----|------------|------------|----|----|----|----|----|----|------------|------------|----|----|----|----|----|----|---|
| Week  | S | M  | T  | W  | T  | F  | S | Week       | S | M  | T  | W  | T  | F  | S          | Week       | S  | M  | T  | W  | T  | F  | S          | Week       | S  | M  | T  | W  | T  | F  | S |
| 1/3/2017  |   |    | 7  | 10 | 11 | 12 | 0 | 1/1/2018   | 0 | 13 | 13 | 0  | 13 | 0  | 1/1/2019   |            |    | 0  | 12 | 12 | 12 | 0  | 1/1/2020   |            |    |    | 0  | 12 | 13 | 0  |   |
| 1/8/2017  | 0 | 8  | 12 | 11 | 13 | 9  | 0 | 1/7/2018   | 0 | 12 | 13 | 13 | 12 | 12 | 0          | 1/6/2019   | 0  | 11 | 11 | 11 | 12 | 12 | 0          | 1/5/2020   | 0  | 12 | 12 | 12 | 13 | 12 | 0 |
| 1/15/2017   | 0 | 12 | 10 | 0  | 14 | 10 | 0 | 1/14/2018  | 0 | 12 | 10 | 11 | 12 | 14 | 0          | 1/13/2019  | 0  | 11 | 10 | 12 | 11 | 10 | 0          | 1/12/2020  | 0  | 11 | 12 | 12 | 12 | 12 | 0 |
| 1/22/2017   | 0 | 13 | 13 | 11 | 12 | 10 | 0 | 1/21/2018  | 0 | 12 | 12 | 12 | 12 | 12 | 0          | 1/20/2019  | 0  | 11 | 12 | 11 | 11 | 11 | 0          | 1/19/2020  | 0  | 13 | 12 | 12 | 12 | 12 | 0 |
| 1/29/2017   | 0 | 11 | 13 | 13 | 12 | 8  | 0 | 1/28/2018  | 0 | 12 | 12 | 12 | 11 | 12 | 0          | 1/27/2019  | 0  | 11 | 10 | 11 | 11 | 10 | 0          | 1/26/2020  | 0  | 12 | 12 | 12 | 12 | 13 | 0 |
| 2/5/2017  | 0 | 12 | 12 | 12 | 12 | 10 | 0 | 2/4/2018   | 0 | 12 | 11 | 11 | 11 | 11 | 0          | 2/3/2019   | 0  | 10 | 10 | 11 | 11 | 10 | 0          | 2/2/2020   | 0  | 12 | 12 | 12 | 12 | 13 | 0 |
| 2/12/2017   | 0 | 10 | 10 | 12 | 15 | 12 | 0 | 2/11/2018  | 0 | 12 | 13 | 11 | 12 | 12 | 0          | 2/10/2019  | 0  | 14 | 8  | 12 | 12 | 11 | 0          | 2/9/2020   | 0  | 12 | 12 | 12 | 12 | 12 | 0 |
| 2/19/2017   | 0 | 14 | 12 | 11 | 13 | 11 | 0 | 2/18/2018  | 0 | 13 | 12 | 12 | 12 | 12 | 0          | 2/17/2019  | 0  | 12 | 12 | 11 | 11 | 12 | 0          | 2/16/2020  | 0  | 12 | 12 | 13 | 12 | 12 | 0 |
| 2/26/2017   | 0 | 11 | 11 | 15 | 12 | 14 | 0 | 2/25/2018  | 0 | 12 | 11 | 12 | 12 | 12 | 0          | 2/24/2019  | 0  | 10 | 9  | 10 | 13 | 12 | 0          | 2/23/2020  | 0  | 12 | 12 | 11 | 11 | 12 | 0 |
| 3/5/2017  | 0 | 10 | 11 | 14 | 14 | 15 | 0 | 3/4/2018   | 0 | 12 | 12 | 7  | 12 | 12 | 0          | 3/3/2019   | 0  | 11 | 11 | 5  | 17 | 12 | 0          | 3/1/2020   | 0  | 12 | 12 | 12 | 12 | 12 | 0 |
| 3/12/2017   | 0 | 13 | 0  | 16 | 16 | 16 | 0 | 3/11/2018  | 0 | 12 | 0  | 12 | 12 | 11 | 0          | 3/10/2019  | 0  | 11 | 11 | 11 | 12 | 12 | 0          | 3/8/2020   | 0  | 12 | 12 | 12 | 12 | 12 | 0 |
| 3/19/2017   | 0 | 11 | 12 | 12 | 12 | 12 | 0 | 3/18/2018  | 0 | 12 | 12 | 12 | 12 | 12 | 0          | 3/17/2019  | 0  | 12 | 11 | 11 | 10 | 10 | 0          | 3/15/2020  | 0  | 11 | 13 | 11 | 10 | 11 | 0 |
| 3/26/2017   | 0 | 15 | 13 | 12 | 12 | 12 | 0 | 3/25/2018  | 0 | 12 | 12 | 12 | 12 | 12 | 0          | 3/24/2019  | 0  | 11 | 11 | 11 | 11 | 11 | 0          | 3/22/2020  | 0  | 12 | 11 | 11 | 10 | 9  | 0 |
| 4/2/2017  | 0 | 12 | 10 | 12 | 12 | 12 | 0 | 4/1/2018   | 0 | 12 | 12 | 12 | 12 | 12 | 0          | 3/31/2019  | 0  | 10 | 12 | 10 | 11 | 10 | 0          | 3/29/2020  | 0  | 10 | 9  | 8  | 10 | 8  | 0 |
| 4/9/2017  | 0 | 12 | 12 | 11 | 12 | 11 | 0 | 4/8/2018   | 0 | 12 | 12 | 12 | 12 | 12 | 0          | 4/7/2019   | 0  | 10 | 10 | 11 | 10 | 10 | 0          | 4/5/2020   | 0  | 8  | 8  | 10 | 7  | 10 | 0 |
| 4/16/2017   | 0 | 12 | 12 | 12 | 12 | 11 | 0 | 4/15/2018  | 0 | 12 | 12 | 12 | 12 | 12 | 0          | 4/14/2019  | 0  | 11 | 11 | 11 | 11 | 11 | 0          | 4/12/2020  | 0  | 8  | 9  | 10 | 9  | 8  | 0 |
| 4/23/2017   | 0 | 12 | 12 | 11 | 11 | 12 | 0 | 4/22/2018  | 0 | 13 | 12 | 12 | 12 | 12 | 0          | 4/21/2019  | 0  | 10 | 11 | 12 | 10 | 10 | 0          | 4/19/2020  | 0  | 6  | 7  | 8  | 9  | 9  | 0 |
| 4/30/2017   | 0 | 11 | 11 | 13 | 12 | 12 | 0 | 4/29/2018  | 0 | 13 | 12 | 12 | 12 | 12 | 0          | 4/28/2019  | 0  | 11 | 12 | 11 | 11 | 10 | 0          | 4/26/2020  | 0  | 6  | 7  | 9  | 9  | 9  | 0 |
| 5/7/2017  | 0 | 14 | 13 | 11 | 12 | 12 | 0 | 5/6/2018   | 0 | 13 | 12 | 12 | 12 | 12 | 0          | 5/5/2019   | 0  | 10 | 10 | 10 | 10 | 10 | 0          | 5/3/2020   | 0  | 7  | 9  | 10 | 9  | 9  | 0 |
| 5/14/2017   | 0 | 11 | 12 | 12 | 12 | 13 | 0 | 5/13/2018  | 0 | 12 | 12 | 12 | 12 | 12 | 0          | 5/12/2019  | 0  | 12 | 13 | 11 | 11 | 12 | 0          | 5/10/2020  | 0  | 8  | 7  | 13 | 12 | 16 | 0 |
| 5/21/2017   | 0 | 12 | 12 | 13 | 13 | 12 | 0 | 5/20/2018  | 0 | 12 | 12 | 12 | 12 | 10 | 0          | 5/19/2019  | 0  | 12 | 11 | 11 | 12 | 11 | 0          | 5/17/2020  | 0  | 15 | 14 | 15 | 13 | 16 | 0 |
| 5/28/2017   | 0 | 0  | 12 | 12 | 12 | 12 | 0 | 5/27/2018  | 0 | 0  | 13 | 13 | 12 | 12 | 0          | 5/26/2019  | 0  | 0  | 12 | 14 | 12 | 12 | 0          | 5/24/2020  | 0  | 0  | 17 | 14 | 14 | 16 | 0 |
| 6/4/2017  | 0 | 12 | 12 | 12 | 12 | 13 | 0 | 6/3/2018   | 0 | 12 | 14 | 10 | 12 | 12 | 0          | 6/2/2019   | 0  | 12 | 12 | 13 | 12 | 12 | 0          | 5/31/2020  | 0  | 11 | 12 | 11 | 12 | 12 | 0 |
| 6/11/2017   | 0 | 12 | 12 | 12 | 12 | 12 | 0 | 6/10/2018  | 0 | 12 | 12 | 12 | 12 | 12 | 0          | 6/9/2019   | 0  | 12 | 12 | 11 | 13 | 12 | 0          | 6/7/2020   | 0  | 12 | 12 | 11 | 12 | 12 | 0 |
| 6/18/2017   | 0 | 12 | 12 | 12 | 12 | 12 | 0 | 6/17/2018  | 0 | 12 | 12 | 12 | 12 | 12 | 0          | 6/16/2019  | 0  | 12 | 12 | 12 | 12 | 13 | 0          | 6/14/2020  | 0  | 12 | 12 | 12 | 12 | 12 | 0 |
| 6/25/2017   | 0 | 13 | 14 | 14 | 12 | 13 | 0 | 6/24/2018  | 0 | 12 | 12 | 12 | 12 | 12 | 0          | 6/23/2019  | 0  | 12 | 12 | 12 | 11 | 11 | 0          | 6/21/2020  | 0  | 12 | 12 | 12 | 12 | 14 | 0 |
| 7/2/2017  | 0 | 10 | 0  | 14 | 13 | 14 | 0 | 7/1/2018   | 0 | 12 | 12 | 0  | 13 | 12 | 0          | 6/30/2019  | 0  | 12 | 12 | 12 | 0  | 12 | 0          | 6/28/2020  | 0  | 12 | 13 | 12 | 12 | 11 | 0 |
| 7/9/2017  | 0 | 14 | 12 | 12 | 11 | 12 | 0 | 7/8/2018   | 0 | 12 | 14 | 12 | 12 | 12 | 0          | 7/7/2019   | 0  | 12 | 11 | 11 | 12 | 11 | 0          | 7/5/2020   | 0  | 12 | 12 | 12 | 12 | 12 | 0 |
| 7/16/2017   | 0 | 11 | 12 | 12 | 12 | 10 | 0 | 7/15/2018  | 0 | 12 | 14 | 12 | 13 | 12 | 0          | 7/14/2019  | 0  | 11 | 11 | 11 | 12 | 11 | 0          | 7/12/2020  | 0  | 12 | 12 | 11 | 12 | 12 | 0 |
| 7/23/2017   | 0 | 11 | 12 | 12 | 12 | 12 | 0 | 7/22/2018  | 0 | 12 | 12 | 12 | 12 | 12 | 0          | 7/21/2019  | 0  | 11 | 11 | 11 | 12 | 12 | 0          | 7/19/2020  | 0  | 12 | 12 | 12 | 12 | 12 | 0 |
| 7/30/2017   | 0 | 12 | 12 | 12 | 13 | 12 | 0 | 7/29/2018  | 0 | 13 | 13 | 12 | 13 | 12 | 0          | 7/28/2019  | 0  | 11 | 11 | 12 | 11 | 12 | 0          | 7/26/2020  | 0  | 12 | 13 | 12 | 12 | 12 | 0 |
| 8/6/2017  | 0 | 12 | 13 | 12 | 12 | 11 | 0 | 8/5/2018   | 0 | 13 | 12 | 13 | 12 | 12 | 0          | 8/4/2019   | 0  | 12 | 12 | 12 | 10 | 10 | 0          | 8/2/2020   | 0  | 12 | 12 | 12 | 12 | 12 | 0 |
| 8/13/2017   | 0 | 13 | 11 | 12 | 12 | 10 | 0 | 8/12/2018  | 0 | 13 | 13 | 14 | 13 | 12 | 0          | 8/11/2019  | 0  | 11 | 12 | 11 | 12 | 11 | 0          | 8/9/2020   | 0  | 12 | 12 | 12 | 12 | 12 | 0 |
| 8/20/2017   | 0 | 12 | 12 | 12 | 12 | 12 | 0 | 8/19/2018  | 0 | 13 | 13 | 13 | 12 | 12 | 0          | 8/18/2019  | 0  | 12 | 12 | 12 | 12 | 12 | 0          | 8/16/2020  | 0  | 13 | 12 | 12 | 12 | 12 | 0 |
| 8/27/2017   | 0 | 12 | 12 | 12 | 13 | 12 | 0 | 8/26/2018  | 0 | 12 | 13 | 12 | 12 | 12 | 0          | 8/25/2019  | 0  | 12 | 12 | 12 | 12 | 11 | 0          | 8/23/2020  | 0  | 12 | 12 | 12 | 12 | 12 | 0 |
| 9/3/2017  | 0 | 0  | 13 | 12 | 12 | 12 | 0 | 9/2/2018   | 0 | 0  | 13 | 13 | 13 | 13 | 0          | 9/1/2019   | 0  | 0  | 13 | 13 | 14 | 13 | 0          | 8/30/2020  | 0  | 12 | 12 | 11 | 12 | 12 | 0 |
| 9/10/2017   | 0 | 12 | 12 | 12 | 12 | 12 | 0 | 9/9/2018   | 0 | 12 | 12 | 12 | 12 | 12 | 0          | 9/8/2019   | 0  | 13 | 13 | 12 | 12 | 12 | 0          | 9/6/2020   | 0  | 0  | 12 | 12 | 13 | 12 | 0 |
| 9/17/2017   | 0 | 13 | 13 | 12 | 12 | 13 | 0 | 9/16/2018  | 0 | 12 | 12 | 10 | 12 | 9  | 0          | 9/15/2019  | 0  | 13 | 12 | 12 | 12 | 11 | 0          | 9/13/2020  | 0  | 12 | 12 | 13 | 12 | 12 | 0 |
| 9/24/2017   | 0 | 12 | 12 | 13 | 12 | 12 | 0 | 9/23/2018  | 0 | 12 | 12 | 12 | 12 | 12 | 0          | 9/22/2019  | 0  | 13 | 13 | 12 | 12 | 12 | 0          | 9/20/2020  | 1  | 13 | 12 | 12 | 12 | 12 | 0 |
| 10/1/2017   | 0 | 12 | 12 | 12 | 12 | 12 | 0 | 9/30/2018  | 0 | 12 | 12 | 11 | 11 | 11 | 0          | 9/29/2019  | 0  | 12 | 12 | 12 | 12 | 12 | 0          | 9/27/2020  | 0  | 13 | 12 | 12 | 12 | 12 | 0 |
| 10/8/2017   | 0 | 12 | 12 | 13 | 12 | 11 | 0 | 10/7/2018  | 0 | 11 | 10 | 11 | 11 | 10 | 0          | 10/6/2019  | 0  | 13 | 13 | 12 | 13 | 12 | 0          | 10/4/2020  | 0  | 12 | 12 | 14 | 12 | 12 | 0 |
| 10/15/2017  | 0 | 12 | 12 | 12 | 13 | 12 | 0 | 10/14/2018 | 0 | 10 | 11 | 10 | 10 | 10 | 0          | 10/13/2019 | 0  | 13 | 12 | 12 | 13 | 12 | 0          | 10/11/2020 | 0  | 12 | 12 | 12 | 12 | 12 | 0 |
| 10/22/2017  | 0 | 11 | 12 | 13 | 12 | 12 | 0 | 10/21/2018 | 0 | 10 | 11 | 10 | 11 | 10 | 0          | 10/20/2019 | 0  | 12 | 12 | 12 | 13 | 12 | 0          | 10/18/2020 | 0  | 12 | 12 | 12 | 13 | 13 | 0 |
| 10/29/2017  | 0 | 12 | 12 | 12 | 12 | 12 | 0 | 10/28/2018 | 0 | 10 | 10 | 10 | 11 | 10 | 0          | 10/27/2019 | 0  | 12 | 12 | 12 | 12 | 12 | 0          | 10/25/2020 | 0  | 11 | 12 | 12 | 12 | 12 | 0 |
| 11/5/2017   | 0 | 12 | 12 | 12 | 12 | 12 | 0 | 11/4/2018  | 0 | 10 | 12 | 11 | 10 | 10 | 0          | 11/3/2019  | 0  | 13 | 12 | 13 | 12 | 12 | 0          | 11/1/2020  | 0  | 12 | 12 | 13 | 12 | 13 | 0 |
| 11/12/2017  | 0 | 12 | 12 | 12 | 12 | 13 | 0 | 11/11/2018 | 0 | 10 | 10 | 10 | 10 | 11 | 0          | 11/10/2019 | 0  | 13 | 12 | 12 | 13 | 13 | 0          | 11/8/2020  | 0  | 13 | 13 | 12 | 12 | 12 | 0 |
| 11/19/2017  | 0 | 13 | 13 | 14 | 0  | 0  | 0 | 11/18/2018 | 0 | 12 | 13 | 14 | 0  | 0  | 11/17/2019 | 0          | 11 | 13 | 12 | 13 | 12 | 0  | 11/15/2020 | 0          | 12 | 12 | 12 | 12 | 12 | 0  |   |
| 11/26/2017  | 0 | 13 | 13 | 13 | 13 | 12 | 0 | 11/25/2018 | 0 | 11 | 12 | 10 | 11 | 11 | 0          | 11/24/2019 | 0  | 13 | 13 | 13 | 0  | 13 | 0          | 11/22/2020 | 0  | 12 | 12 | 12 | 0  | 12 | 0 |
| 12/3/2017   | 0 | 12 | 12 | 13 | 12 | 12 | 0 | 12/2/2018  | 0 | 12 | 11 | 11 | 11 | 11 | 0          | 12/1/2019  | 0  | 12 | 12 | 12 | 13 | 13 | 0          |            |    |    |    |    |    |    |   |

| Pines' Number of Hours Billed Per Day 2017 - 2023 |   |    |    |    |    |    |   |            |   |    |    |    |    |    |   |           |   |    |    |    |    |    |   |  |  |  |  |
|---|---|----|----|----|----|----|---|------------|---|----|----|----|----|----|---|-----------|---|----|----|----|----|----|---|--|--|--|--|
| Week  | S | M  | T  | W  | T  | F  | S | Week       | S | M  | T  | W  | T  | F  | S | Week      | S | M  | T  | W  | T  | F  | S |  |  |  |  |
| 1/3/2021  | 0 | 12 | 11 | 12 | 12 | 13 | 0 | 1/2/2022   | 0 | 9  | 9  | 14 | 13 | 13 | 0 | 1/1/2023  | 0 | 0  | 12 | 12 | 12 | 12 | 0 |  |  |  |  |
| 1/10/2021   | 0 | 13 | 12 | 12 | 12 | 12 | 0 | 1/9/2022   | 0 | 13 | 13 | 14 | 13 | 12 | 0 | 1/8/2023  | 0 | 12 | 11 | 12 | 12 | 12 | 0 |  |  |  |  |
| 1/17/2021   | 0 | 12 | 12 | 12 | 12 | 12 | 0 | 1/16/2022  | 0 | 13 | 13 | 13 | 13 | 13 | 0 | 1/15/2023 | 0 | 12 | 12 | 12 | 12 | 12 | 0 |  |  |  |  |
| 1/24/2021   | 0 | 12 | 12 | 13 | 11 | 11 | 0 | 1/23/2022  | 0 | 12 | 12 | 12 | 12 | 11 | 0 | 1/22/2023 | 0 | 12 | 12 | 12 | 12 | 12 | 0 |  |  |  |  |
| 1/31/2021   | 0 | 12 | 13 | 13 | 12 | 12 | 0 | 1/30/2022  | 0 | 12 | 12 | 13 | 12 | 11 | 0 | 1/29/2023 | 0 | 12 | 12 | 12 | 12 | 12 | 0 |  |  |  |  |
| 2/7/2021  | 0 | 13 | 12 | 12 | 14 | 13 | 0 | 2/6/2022   | 0 | 12 | 12 | 12 | 12 | 12 | 0 | 2/5/2023  | 0 | 12 | 12 | 12 | 12 | 12 | 0 |  |  |  |  |
| 2/14/2021   | 0 | 14 | 12 | 12 | 12 | 12 | 0 | 2/13/2022  | 0 | 12 | 12 | 12 | 12 | 12 | 0 | 2/12/2023 | 0 | 12 | 12 | 12 | 12 | 12 | 0 |  |  |  |  |
| 2/21/2021   | 0 | 12 | 13 | 12 | 12 | 13 | 0 | 2/20/2022  | 0 | 12 | 12 | 12 | 12 | 6  | 0 | 2/19/2023 | 0 | 12 | 12 | 12 | 12 | 12 | 0 |  |  |  |  |
| 2/28/2021   | 0 | 12 | 13 | 12 | 12 | 12 | 0 | 2/27/2022  | 0 | 12 | 12 | 12 | 12 | 12 | 0 | 2/26/2023 | 0 | 12 | 12 | 12 | 11 | 12 | 0 |  |  |  |  |
| 3/7/2021  | 0 | 12 | 12 | 12 | 12 | 13 | 0 | 3/6/2022   | 0 | 12 | 12 | 7  | 7  | 7  | 0 | 3/5/2023  | 0 | 12 | 12 | 12 | 12 | 12 | 0 |  |  |  |  |
| 3/14/2021   | 0 | 12 | 13 | 12 | 12 | 12 | 0 | 3/13/2022  | 0 | 7  | 7  | 7  | 12 | 12 | 0 | 3/12/2023 | 0 | 0  | 0  | 12 | 12 | 12 | 0 |  |  |  |  |
| 3/21/2021   | 0 | 13 | 12 | 13 | 11 | 12 | 0 | 3/20/2022  | 0 | 12 | 12 | 12 | 12 | 12 | 0 | 3/19/2023 | 0 | 12 | 12 | 12 | 12 | 12 | 0 |  |  |  |  |
| 3/28/2021   | 0 | 12 | 12 | 12 | 13 | 12 | 0 | 3/27/2022  | 0 | 12 | 12 | 12 | 12 | 12 | 0 | 3/26/2023 | 0 | 12 | 12 | 12 | 12 | 12 | 0 |  |  |  |  |
| 4/4/2021  | 0 | 11 | 12 | 12 | 12 | 12 | 0 | 4/3/2022   | 0 | 12 | 12 | 12 | 12 | 11 | 0 | 4/2/2023  | 0 | 12 | 12 | 12 | 12 | 12 | 0 |  |  |  |  |
| 4/11/2021   | 0 | 12 | 11 | 12 | 12 | 12 | 0 | 4/10/2022  | 0 | 12 | 11 | 12 | 12 | 12 | 0 | 4/9/2023  | 0 | 12 | 12 | 12 | 12 | 12 | 0 |  |  |  |  |
| 4/18/2021   | 0 | 12 | 12 | 12 | 12 | 12 | 0 | 4/17/2022  | 0 | 12 | 11 | 12 | 12 | 12 | 0 | 4/16/2023 | 0 | 12 | 12 | 12 | 12 | 12 | 0 |  |  |  |  |
| 4/25/2021   | 0 | 14 | 13 | 10 | 13 | 12 | 0 | 4/24/2022  | 0 | 12 | 12 | 12 | 12 | 12 | 0 | 4/23/2023 | 0 | 12 | 12 | 12 | 12 | 12 | 0 |  |  |  |  |
| 5/2/2021  | 0 | 12 | 12 | 12 | 12 | 13 | 0 | 5/1/2022   | 0 | 12 | 12 | 12 | 11 | 12 | 0 | 4/30/2023 | 0 | 12 | 12 | 12 | 12 | 12 | 0 |  |  |  |  |
| 5/9/2021  | 0 | 12 | 12 | 12 | 12 | 14 | 0 | 5/8/2022   | 0 | 12 | 12 | 12 | 12 | 12 | 0 | 5/7/2023  | 0 | 12 | 12 | 12 | 12 | 12 | 0 |  |  |  |  |
| 5/16/2021   | 0 | 13 | 14 | 14 | 13 | 12 | 0 | 5/15/2022  | 0 | 12 | 12 | 12 | 12 | 12 | 0 | 5/14/2023 | 0 | 12 | 12 | 11 | 12 | 12 | 0 |  |  |  |  |
| 5/23/2021   | 0 | 13 | 14 | 13 | 12 | 12 | 0 | 5/22/2022  | 0 | 12 | 12 | 12 | 12 | 12 | 0 | 5/21/2023 | 0 | 12 | 12 | 12 | 12 | 12 | 0 |  |  |  |  |
| 5/30/2021   | 0 | 0  | 13 | 13 | 14 | 14 | 0 | 5/29/2022  | 0 | 0  | 12 | 12 | 12 | 12 | 0 | 5/28/2023 | 0 | 0  | 12 | 12 | 12 | 12 | 0 |  |  |  |  |
| 6/6/2021  | 0 | 12 | 13 | 12 | 12 | 12 | 0 | 6/5/2022   | 0 | 12 | 12 | 12 | 12 | 12 | 0 | 6/4/2023  | 0 | 12 | 12 | 12 | 12 | 12 | 0 |  |  |  |  |
| 6/13/2021   | 0 | 12 | 12 | 12 | 12 | 12 | 0 | 6/12/2022  | 0 | 10 | 12 | 12 | 12 | 12 | 0 | 6/11/2023 | 0 | 12 | 12 | 12 | 12 | 12 | 0 |  |  |  |  |
| 6/20/2021   | 0 | 12 | 12 | 12 | 13 | 12 | 0 | 6/19/2022  | 0 | 12 | 12 | 12 | 12 | 12 | 0 | 6/18/2023 | 0 | 12 | 12 | 12 | 12 | 11 | 0 |  |  |  |  |
| 6/27/2021   | 0 | 12 | 13 | 12 | 13 | 13 | 0 | 6/26/2022  | 0 | 12 | 12 | 12 | 12 | 12 | 0 | 6/25/2023 | 0 | 12 | 12 | 12 | 12 | 12 | 0 |  |  |  |  |
| 7/4/2021  | 0 | 0  | 14 | 13 | 13 | 13 | 0 | 7/3/2022   | 0 | 0  | 12 | 12 | 12 | 12 | 0 | 7/2/2023  | 0 | 7  | 0  | 12 | 11 | 12 | 0 |  |  |  |  |
| 7/11/2021   | 0 | 12 | 12 | 13 | 13 | 13 | 0 | 7/10/2022  | 0 | 12 | 12 | 12 | 12 | 12 | 0 | 7/9/2023  | 0 | 12 | 11 | 12 | 12 | 12 | 0 |  |  |  |  |
| 7/18/2021   | 0 | 13 | 13 | 13 | 13 | 13 | 0 | 7/17/2022  | 0 | 12 | 12 | 12 | 12 | 12 | 0 | 7/16/2023 | 0 | 12 | 12 | 12 | 12 | 11 | 0 |  |  |  |  |
| 7/25/2021   | 0 | 13 | 13 | 13 | 13 | 13 | 0 | 7/24/2022  | 0 | 12 | 12 | 12 | 12 | 12 | 0 | 7/23/2023 | 0 | 10 | 11 | 11 | 12 | 12 | 0 |  |  |  |  |
| 8/1/2021  | 0 | 13 | 14 | 13 | 13 | 13 | 0 | 7/31/2022  | 0 | 13 | 12 | 11 | 12 | 12 | 0 | 7/30/2023 | 0 | 12 | 12 | 12 | 12 | 12 | 0 |  |  |  |  |
| 8/8/2021  | 0 | 12 | 13 | 14 | 13 | 13 | 0 | 8/7/2022   | 0 | 12 | 12 | 12 | 12 | 12 | 0 | 8/6/2023  | 0 | 11 | 12 | 12 | 12 | 12 | 0 |  |  |  |  |
| 8/15/2021   | 0 | 13 | 13 | 13 | 13 | 13 | 0 | 8/14/2022  | 0 | 12 | 12 | 12 | 13 | 12 | 0 | 8/13/2023 | 0 | 12 | 12 | 10 | 12 | 12 | 0 |  |  |  |  |
| 8/22/2021   | 0 | 13 | 13 | 13 | 13 | 13 | 0 | 8/21/2022  | 0 | 12 | 12 | 12 | 12 | 12 | 0 | 8/20/2023 | 0 | 11 | 10 | 11 | 12 | 10 | 0 |  |  |  |  |
| 8/29/2021   | 0 | 11 | 15 | 13 | 13 | 16 | 0 | 8/28/2022  | 0 | 12 | 12 | 11 | 12 | 12 | 0 | 8/27/2023 | 0 | 12 | 10 | 12 | 12 | 12 | 0 |  |  |  |  |
| 9/5/2021  | 0 | 0  | 12 | 13 | 13 | 15 | 0 | 9/4/2022   | 0 | 0  | 12 | 12 | 12 | 12 | 0 | 9/3/2023  | 0 | 0  | 12 | 11 | 12 | 12 | 0 |  |  |  |  |
| 9/12/2021   | 0 | 11 | 15 | 13 | 13 | 13 | 0 | 9/11/2022  | 0 | 12 | 12 | 12 | 12 | 12 | 0 | 9/10/2023 | 0 | 11 | 11 | 11 | 12 | 12 | 0 |  |  |  |  |
| 9/19/2021   | 0 | 13 | 13 | 15 | 13 | 13 | 0 | 9/18/2022  | 0 | 12 | 12 | 12 | 12 | 12 | 0 |           |   |    |    |    |    |    |   |  |  |  |  |
| 9/26/2021   | 0 | 12 | 13 | 13 | 12 | 13 | 0 | 9/25/2022  | 0 | 12 | 12 | 12 | 12 | 12 | 0 |           |   |    |    |    |    |    |   |  |  |  |  |
| 10/3/2021   | 0 | 13 | 15 | 13 | 13 | 14 | 0 | 10/2/2022  | 0 | 12 | 12 | 12 | 12 | 12 | 0 |           |   |    |    |    |    |    |   |  |  |  |  |
| 10/10/2021  | 0 | 16 | 13 | 13 | 13 | 13 | 0 | 10/9/2022  | 0 | 12 | 12 | 12 | 12 | 12 | 0 |           |   |    |    |    |    |    |   |  |  |  |  |
| 10/17/2021  | 0 | 15 | 12 | 13 | 13 | 12 | 0 | 10/16/2022 | 0 | 12 | 12 | 12 | 12 | 12 | 0 |           |   |    |    |    |    |    |   |  |  |  |  |
| 10/24/2021  | 0 | 13 | 13 | 14 | 12 | 14 | 0 | 10/23/2022 | 0 | 12 | 12 | 12 | 12 | 12 | 0 |           |   |    |    |    |    |    |   |  |  |  |  |
| 10/31/2021  | 0 | 13 | 13 | 14 | 13 | 14 | 0 | 10/30/2022 | 0 | 11 | 12 | 12 | 12 | 12 | 0 |           |   |    |    |    |    |    |   |  |  |  |  |
| 11/7/2021   | 0 | 13 | 13 | 13 | 13 | 13 | 0 | 11/6/2022  | 0 | 12 | 12 | 12 | 12 | 12 | 0 |           |   |    |    |    |    |    |   |  |  |  |  |
| 11/14/2021  | 0 | 13 | 13 | 13 | 13 | 13 | 0 | 11/13/2022 | 0 | 12 | 12 | 12 | 12 | 12 | 0 |           |   |    |    |    |    |    |   |  |  |  |  |
| 11/21/2021  | 0 | 13 | 13 | 13 | 0  | 13 | 0 | 11/20/2022 | 0 | 10 | 12 | 12 | 0  | 12 | 0 |           |   |    |    |    |    |    |   |  |  |  |  |
| 11/28/2021  | 0 | 13 | 13 | 13 | 13 | 13 | 0 | 11/27/2022 | 0 | 12 | 11 | 12 | 12 | 12 | 0 |           |   |    |    |    |    |    |   |  |  |  |  |
| 12/5/2021   | 0 | 13 | 13 | 13 | 13 | 13 | 0 | 12/4/2022  | 0 | 12 | 12 | 12 | 12 | 12 | 0 |           |   |    |    |    |    |    |   |  |  |  |  |
| 12/12/2021  | 0 | 13 | 13 | 13 | 13 | 13 | 0 | 12/11/2022 | 0 | 12 | 12 | 12 | 12 | 12 | 0 |           |   |    |    |    |    |    |   |  |  |  |  |
| 12/19/2021  | 0 | 14 | 13 | 13 | 13 | 0  | 0 | 12/18/2022 | 0 | 12 | 12 | 12 | 12 | 12 | 0 |           |   |    |    |    |    |    |   |  |  |  |  |
| 12/26/2021  | 0 | 10 | 10 | 10 | 10 | 0  | 0 | 12/25/2022 | 0 | 0  | 12 | 12 | 12 | 12 | 0 |           |   |    |    |    |    |    |   |  |  |  |  |

Notably, the charts above do not reflect Pines’s appointments for privately-insured and self-insured patients. Unlike other health care fraudsters who focus exclusively on Medicaid patients, Pines saw multiple private patients each day, Ex. 2 ¶ 42, thereby rendering his billing practices even more implausible, particularly in light of his school-aged patients. *Id.* ¶¶ 43-47.

Pines submitted fraudulent claims even when: (i) he was traveling, on vacation,<sup>3</sup> recovering from surgery, or otherwise not working; (ii) the appointment had been canceled and Pines had provided no treatment to the claimed client; (iii) he had stopped treating the claimed client, sometimes months or even years prior; (iv) the claimed client was not, and had never been, a client of Pines<sup>4</sup>; and (v) the claimed client had been hospitalized or was receiving in-patient treatment and therefore did not receive services from Pines. Plea Agmt. at 11 ¶ 2; PSR ¶ 9; Ex. 2 ¶¶ 5, 49-71. In addition, when Pines treated multiple Medicaid clients in the same family at the same time, Pines knowingly and intentionally billed Medicaid for the group visit as multiple individual claims, a practice that he knew was not permitted by Medicaid. Plea Agmt. at 11 ¶ 2; PSR ¶ 9. Even at the very beginning of the COVID-19 pandemic, Pines's claims reveal that he allegedly treated an implausible number of Medicaid patients every day. See Summary Chart at 4, *supra*.<sup>5</sup>

Pines's billing—for both the fraudulent claims at issue here and his other claims—was unusual among his peer Medicaid providers. From January 1, 2020 through May 12, 2023, for example, Pines was the second-highest paid behavioral health clinician in Connecticut enrolled in Medicaid. See Ex. 3. Another peer comparison during the same timeframe identified Pines

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<sup>3</sup> For example, during Pines's trip to South Africa from October 30 to November 16, 2022, he billed Medicaid 12 hours every weekday, except for one 11-hour day.

<sup>4</sup> As part of his objections to the PSR, Pines claims that "he did not make up any patients' names but rather just the services rendered." Pines Letter dated Apr. 4, 2024. The government's investigation revealed, however, that Pines repeatedly billed Medicaid for services that he allegedly provided to a parent and sibling of a Medicaid client, even though the parent confirmed that they and the sibling were never patients of Pines. See Ex. 2 ¶¶ 52-53.

<sup>5</sup> Although not a focus of the government's criminal investigation, Pines also upcoded claims to Medicaid. In other words, even when he did treat a patient for a short period of time (whether in person or by telephone), he would often still bill Medicaid for a full hour of services, which paid at a higher rate. The government did not calculate the potential impact of such upcoding, but suffice to it say that the calculated loss figure in this case is conservative.

as the highest paid psychologist enrolled in Connecticut Medicaid for CPT Code 90837 Psychotherapy, 60 minutes with patient and/or family. Medicaid paid Pines over \$1.1 million during that period, nearly three times more than the second-highest paid psychologist, who was paid over \$405,000. *See* Ex. 4.

On October 25, 2023, the government executed a court-authorized search warrant on Pines's office, which revealed that Pines had minimal notes to support the claims that he submitted to Medicaid, despite the fact that Pines had previously entered into a consent order with the Department of Public Health over allegations of insufficient documentation for treatment. PSR ¶¶ 10, 7. The government also seized Pines's handwritten calendars (which showed his actual appointments) and the handwritten faxes that he sent to a third-party billing company that confirmed that Pines and Pines alone was responsible for overbilling Medicaid. Pines also spoke voluntarily to agents, during which he eventually admitted to billing Medicaid for services not rendered. As one example, he acknowledged that he billed Medicaid for services even when the patients had canceled the appointment. PSR ¶ 10.

The PSR endorsed the parties' loss calculation of \$1,617,679. *See* PSR ¶ 11; Plea Agmt. Attachment A. To arrive at this figure, the government took four sample weeks from Pines's handwritten calendars for each year of the offense period and removed from that sample any days that Pines had "X"ed out on his calendar, which meant that Pines did not actually work that day. *Id.* For the remaining days in the sample, the government compared Pines's appointments in his calendar to all of the Medicaid claims that he submitted. The government then calculated an average fraud rate of 67.1% for those working days. (In other words, approximately two

thirds of Pines's Medicaid billed claims were for services not rendered.)<sup>6</sup> For the days that Pines did not work at all, the government counted each of those days as completely fraudulent, which resulted in a loss of \$208,987. For the remaining days that Pines had some appointments on his calendar, the government applied the 67.1% fraud rate to the submitted claims. The resulting total loss figure was \$1,617,679.

## II. The Sentencing Guidelines

The PSR calculated Pines's advisory Guidelines in the same way, with the same resulting range, as the parties in the plea agreement. *See* PSR ¶¶ 18-28, 80; Plea Agmt. at 6. The resulting Guidelines range is 37 to 46 months in jail. *See* PSR ¶ 80. In his sentencing memorandum, Pines does not move for any Guidelines departures or variances. The PSR does not identify any bases for departure, *see* PSR ¶ 101, and the government agrees with that assessment. As the Court may be aware, however, the Sentencing Commission recently voted to amend U.S.S.G. § 5H1.1 (Age Policy Statement) to provide that “age may be relevant in determining whether a departure is warranted.” Amendments to the Sentencing Guidelines (Preliminary) (Apr. 17, 2024) at 16, available at [https://content.govdelivery.com/attachments/USSC/2024/04/17/file\\_attachments/2850131/202404\\_prelim-rf.pdf](https://content.govdelivery.com/attachments/USSC/2024/04/17/file_attachments/2850131/202404_prelim-rf.pdf). Although the proposed amendment deletes the existing Guideline language that age may be relevant “if considerations based on age, individually or in combination with other offender characteristics, are present to an unusual degree and distinguish the case from the typical cases covered by the guidelines,” the

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<sup>6</sup> As discussed above, Pines would often see two or more children from the same family at the same time for a scheduled one-hour appointment. Under Medicaid rules, he was only permitted to bill one claim, regardless of the number of family members in attendance. However, Pines billed for each child separately. When this was the case, the government gave Pines credit for one hour, but treated the other claims as fraudulent.

commentary makes clear that the impetus for the proposed amendment is the Sentencing Commission's views on youthful offenders. *Id.* The amendment is not yet effective, but to the extent the Court wishes to consider its potential impact, it can do so under 18 U.S.C. § 3553(a). *See United States v. Mateos*, 623 F.3d 1350, 1367 (11th Cir. 2010) (Justice O'Connor, sitting by designation).

Although Pines's age and health are discussed in the PSR as potential grounds for a lower sentence, *see* PSR ¶ 104, he does not appear to advocate for a lower sentence as a result of either or in combination. In any case, the health conditions disclosed in the PSR do not appear to be serious; neither Pines's sentencing memo nor the letters of support dwell on them, if at all.

### III. Forfeiture and Restitution

As part of the investigation, the government sought and obtained a seizure warrant for 18 pieces of jewelry purchased of funds traceable to Pines's business bank account in which the DSS funds were direct deposited. In his plea agreement, he agreed forfeit his interest 16 pieces of jewelry that he purchased from Lux Bond & Green, a Connecticut-based jewelry store, including depicted below (*l. to r.*): (1) an 18 carat opera diamond earrings purchased for \$1,890, (2) an 18 carat opera diamond bracelet purchased for \$6,930, (3) a Jaipur charm purchased for \$3,380, and (4) a princess band for purchased for \$2,997. *See* Plea Agmt. at 3.



On April 18, 2024, this Court entered a final order of forfeiture for these and the other jewelry items. Doc. No. 24. An appraisal valued these forfeited items with a replacement value of \$67,685. PSR ¶ 99.<sup>7</sup>

As for restitution, it is mandatory in this case because Pines's health care fraud offense is "an offense against property" and, separately, because an "identifiable victim ... suffered a ... pecuniary loss." 18 U.S.C. § 3663A(c)(1)(A)(ii) & (B). In any case, under the plea agreement, Pines agreed to pay \$1,617,679.00 in restitution. Plea Agmt. at 2; 18 U.S.C. § 3663(a)(3). Pines has already paid \$550,000, which is being held at the Clerk's Office. PSR ¶¶ 14, 94. According to Pines, however, these funds came from his share of a property in New Jersey gifted to him and his brother from their mother. *Id.* ¶ 75. While Pines's prompt payment of a substantial restitution amount is commendable and defense counsel has discussed the liquidation of other assets with the U.S. Attorney's Office Financial Litigation Unit, the Court may wish to consider the fact that Pines has not, as of yet, fundamentally changed his finances in the months since he became aware of this criminal investigation to maximize his agreed-upon restitution to DSS. *See* PSR ¶¶ 72-77.

#### **IV. Application of Factors Under 18 U.S.C. § 3553(a)**

Section 3553(a) provides that the sentencing "court shall impose a sentence sufficient, but not greater than necessary, to comply with the purposes set forth in paragraph (2) of this subsection," and then sets forth seven specific considerations:

- (1) the nature and circumstances of the offense and the history and

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<sup>7</sup> The government will submit a petition for remission to the Justice Department's Money Laundering and Asset Recovery Section ("MLARS") to apply the value of any net proceeds from the sale of these forfeited items to any restitution ordered by the Court. Such a petition, however, is subject to MLARS' separate review and approval and is therefore not guaranteed.

- characteristics of the defendant;
- (2) the need for the sentence imposed—
  - (A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;
  - (B) to afford adequate deterrence to criminal conduct;
  - (C) to protect the public from further crimes of the defendant; and
  - (D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner;
- (3) the kinds of sentences available;
- (4) the kinds of sentence and the sentencing range established [in the Sentencing Guidelines];
- (5) any pertinent policy statement [issued by the Sentencing Commission];
- (6) the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct; and
- (7) the need to provide restitution to any victims of the offense.

In this case, the Court's sentence should reflect the seriousness of Pines's conduct and to promote respect for the law and general deterrence. In the government's view, a sentence at the bottom of the Guidelines range of 37 months in prison is necessary to accomplish all of § 3553(a)'s objectives.

***A. Pines Committed a \$1.6 Million Health Care Fraud Scheme to Enrich Himself and His Family.***

Pines's conduct spanned nearly seven years and resulted in over \$1.6 million in losses to the Medicaid program. That is a staggering amount of fraud. To give one perspective on that loss, Pines defrauded Medicaid of 35 times the average median income in 2023-2024 for a family of two. *See Connecticut State Median Income: 2023-2024*, available at <https://uwc.211ct.org/connecticut-state-median-income-2023/> (showing median income of \$45,282).

In light of the Pines's decision to waive indictment and plead guilty quickly after the government's search of his offices, the government did not undertake a comprehensive review of

his financial accounts. The government did, however, conduct a preliminary analysis of Pines's Santander business account ending in 6918 and a joint personal account ending in 0682, as well as his use of four credit cards at Capital One, Chase, Citibank, and Discover. While the sources of funds into these accounts included privately insured and self-insured clients (which were not part of the government's investigation) and other sources of legitimate income, what is evident is that Pines and his wife used the fraud proceeds to live a luxurious lifestyle. While significant sums were spent on their mortgage, gas, and car payments, Pines also used the funds to make significant expenditures on jewelry, travel, salon and beauty products, alcohol, and their adult son.

In the time period of the fraud, for example, Pines spent \$158,956 on checks to his adult son that appear to be monthly allowances and money for the mortgage on his son's condominium in Tampa, Florida.<sup>8</sup> Pines and his wife also spent over \$93,000 at Lux Bond & Green and other jewelry stores, over \$37,000 at Highland Park Market (a grocery store chain in the Hartford area), over \$48,000 at Milano's Salon and Day Spa and other beauty-related expenditures, over \$23,000 in alcohol and wine club expenditures, and over \$40,000 on landscaping. There was an expenditure at Louis Vuitton of \$2,424.38 on May 10, 2020. Moreover, Pines incurred travel-related credit card charges in Saint Maarten, Dublin, Amsterdam, Barcelona, Prague, Athens, Santorini, Cancun, Montreal, Ottawa, Cape Town, Zimbabwe, and Bangkok, as well as numerous charges in Tampa and High Point, North Carolina. Notwithstanding this apparent

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<sup>8</sup> During an interview of Pines incident to the search of his office in October 2023, Pines was asked about the money going from Pines's business account to his wife and son. Pines acknowledged that neither his wife or son worked for his business. Pines explained that he gives his son approximately \$2,000 per month for living expenses and pays him out of his business account. His son lives in Tampa but Pines and his wife pay the mortgage out of their joint account. The mortgage for the condo in Tampa is approximately \$2,400 a month.

extensive travel, Pines continued to bill Medicaid to fund his lifestyle.

Thus, contrary to Pines's psychologist's opinion that he was not motivated by excessive shopping and spending or to support his adult son, *see* Connolly Ltr. at 2, Pines's financials suggest the most logical motivation: greed. Pines lived an expensive life, one that he could not have afforded absent his fraud. Moreover, he was unwilling or unable to work more than he actually did. Rather than change his lifestyle to fit his financial circumstances or work more to support it, Pines chose instead to cheat Medicaid. In doing so, he abused his position of trust as a provider. *See United States v. Ntshona*, 156 F.3d 318 (2d Cir. 1998). Moreover, it is plain that, given the length and breadth of the fraud, Pines would not have stopped his conduct but for the government's investigation.

***B. The Court's Sentence Should Promote Respect for the Law and General Deterrence.***

Given the seriousness of Pines's conduct, the Court's sentence should demonstrate to DSS, other Medicaid providers, and the public that such conduct will not be treated with a proverbial finger wagging. The victim, the Department of Social Services, urges the Court to impose a "the maximum sentence" on Pines to "send the message that using fraudulent means to obtain funds from the Department and jeopardizing the health and well-being of [Medicaid] clients, is inexcusable and will not be tolerated." Ex. 5. As the Court knows, general deterrence is particularly important in health care fraud cases like this one, which can be difficult to detect, investigate, and prosecute. *See United States v. Brown*, 880 F.3d 399, 405 (7th Cir. 2018) (explaining that "health-care fraud is widespread and that therefore there is a lower likelihood of getting caught," thereby justifying "a serious penalty was necessary to ensure

deterrence”). Thus, when a psychologist like Pines is prosecuted, the profession pays attention. *See id.* (noting that “white collar criminals” are “prime candidates for general deterrence”) (collecting cases).

The impact of the losses Pines caused is not theoretical, since it directly impacts Medicaid’s ability to fund necessary services to the elderly, poor, and the infirm. Ultimately, Pines profited from a scheme at the expense of all Connecticut citizens, including those he was supposed to help. Accordingly, as DSS implores, Pines “needs to be held responsible for his actions.” Ex. 5. A Guidelines sentence would send such a message.

While acknowledging his misdeeds, Pines argues that a non-incarceratory sentence would be appropriate here given the shame Pines feels, the restitution he has paid to date, and the good he has done. *See* Def. Memo. at 3-4. Such a sentence, however, would promote *disrespect* for the law. It would not deter other psychologists and psychotherapy providers—many of whom are well-educated, well-heeled, and have broad community support—from engaging in similar conduct. If the Court were to give such a lenient sentence, other providers may wonder justifiably why it would not be rational to defraud Medicaid, since DSS, law enforcement, and the Court may never learn about any crime and, even if they were caught, would face no meaningful consequences.

***C. Pines Does Not Present Any Significant Basis for a Departure or Variance.***

Pines does not advocate for any specific Guidelines departure or variance. He appears to rely almost exclusively on his dozens of letters of support, many of which are submitted by other professionals Pines has met and befriended over the years and who vouch for Pines’s character

and good work.<sup>9</sup> The impression the letters convey—consistent with the PSR—is that Pines is a respected professional who cared about the well-being of his patients. They also show that Pines, both through his family and his own work, has lived a life of privilege. He has enjoyed personal, educational, and professional opportunities and success most defendants never get. Someone with Pines background—and no apparent history of trauma or addictions—has every opportunity to live a law-abiding life. Yet, rather than fulfill his potential in helping others, Pines chose instead to take shortcuts to enrich himself. Thus, Pines’s personal history and characteristics are neutral at best under § 3553(a).

As a mitigating circumstance, the Court may wish to consider that, within weeks after the government’s search of his offices in late October 2023, he had accepted the terms of the plea agreement (including the parties’ agreed-upon loss methodology) and scheduled a waiver/plea hearing with the Court. He turned over the jewelry items that were the subject of the court-authorized seizure warrant without having the government obtain additional legal process. Moreover, without prompting from the government, Pines self-reported his pending criminal case to the Department of Public Health in approximately January 2024 and voluntarily surrendered his psychology license as of March 28, 2024. PSR ¶ 69; Ex. 6. As a result of Pines’s timely decisions after he became aware of the investigation, he saved considerable government and judicial resources. He also has demonstrated that he will not pose a continuing threat to Medicaid, thus addressing any lingering concern about the need for specific deterrence in this case.

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<sup>9</sup> Notably, Pines does not include a single letter from a patient or parent, notwithstanding the many clients he has treated over his decades-long career. Nor does he include letters from those presumably who are the closest to him: his wife, his son, his mother, or his brother.

***D. A Careful Consideration of the Guidelines and the Nationwide Sentences Support a Guidelines Sentence.***

Finally, the undisputed Guidelines range the Court must consider of 37 to 46 months supports imposition of a Guidelines sentence in this case. To the extent the Court wishes to consider Pines's lack of a prior criminal history under § 3553(a), for example, the government does not agree that any further reduction on this ground is appropriate. As the government noted in its objection to the PSR, the recent enactment of U.S.S.G. § 4C1.1, which reduces a defendant's offense level by two levels for so-called "zero-point offenders" such as Pines, already builds into the Guidelines a defendant's "lack of prior criminal convictions and custodial sentences." The effect of this reduction lowered the defendant's Guidelines in this case from 46-57 months in prison (before November 1, 2023) to 37-46 months now. In the government's view, the new, lower Guidelines more than advance the parsimony clause under 18 U.S.C. § 3553(a) and no further sentencing reduction is necessary.

Indeed, to the extent the Court relies on or references information from the Sentencing Commission's Judiciary Sentencing Information (JSIN) database at all, *see* PSR ¶ 82, the most appropriate comparisons here are those offenders with a final offense level 23, i.e., *before* the recent inclusion of U.S.S.G. § 4C1.1, and not those offenders who have a final offense level 21, which includes the two-level § 4C1.1 reduction. According to information from the publicly available JSIN database:

During the last five fiscal years (FY2019-2023), there were 283 defendants whose primary guideline was §2B1.1, with a Final Offense Level of 23 and a Criminal History Category of I, after excluding defendants who received a §5K1.1 substantial assistance departure. For the 257 defendants (91%) who received a sentence of imprisonment in whole or in part, the average length of imprisonment imposed was 35 month(s) and the median length of imprisonment imposed was 36

month(s). For all 283 defendants in the cell, the average sentence imposed was 32 month(s) and the median sentence imposed was 34 month(s).

Judiciary Sentencing Information (JSIN), available at <https://jsin.ussc.gov/analytics/saw.dll?Dashboard>. Viewed in this context, the government's recommendation at the bottom of the range—37 months of imprisonment—is line with the sentences other judges imposed for broadly similar defendants. Section 3553(a)(6)'s mandate to avoid unwarranted sentence disparities does not support a substantial departure from these nationwide numbers. *See United States v. Williams*, 524 F.3d 209, 215 (2d Cir. 2008).

### **CONCLUSION**

Pines committed a serious health care fraud for years, over thousands upon thousands of false claims to Medicaid. For those reasons and all the reasons stated above, the Court should impose a sentence of 37 months in prison, a 3-year term of supervised release, and \$1,617,679 in restitution to be paid to the Connecticut Department of Social Services.

Respectfully submitted,

VANESSA ROBERTS AVERY  
UNITED STATES ATTORNEY

/s/ David T. Huang  
DAVID T. HUANG  
ASSISTANT U.S. ATTORNEY  
Federal Bar No. ct30434  
157 Church Street, 25th Floor  
New Haven, CT 06510  
Tel.: (203) 821-3700  
Fax: (203) 773-5378

**CERTIFICATE OF SERVICE**

I hereby certify that on April 29, 2024, a copy of the foregoing GOVERNMENT'S SENTENCING MEMORANDUM was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System. In addition, a copy of the foregoing was e-mailed to:

Daniel Leone, United States Probation Officer

\_\_\_\_\_/s/\_\_\_\_\_  
DAVID T. HUANG  
ASSISTANT U.S. ATTORNEY