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Cancer doc's patients first in line for \$17.6M restitution

Former patients get top priority when \$17.6 million forfeited from an Oakland County cancer doctor, who poisoned and tortured many of them through fraudulent treatment, is divvied up.

More than 550 people -- some pumped full of chemotherapy drugs when they didn't have cancer and others undertreated when they did have cancer -- are victims in the fraud case prosecutors have called the most egregious they've ever seen.

Dr. Farid Fata, 50, appeared in a yellowish jumpsuit with red slippers on Thursday for the restitution hearing in Detroit U.S. District Judge Paul Borman's courtroom. He remains incarcerated, serving a 45-year sentence handed down July 10 after he pleaded guilty to multiple counts of health care fraud, money laundering and conspiracy to pay and receive kickbacks.

U.S. Assistant Prosecutor Catherine Dick said about \$13 million to \$14 million of the agreed-upon \$17.6 million Fata owes has been recovered, and they're continuing to work to close the gap with his assets.

She said the patient-victims and their families are first priority for compensation, then private insurers, then Medicare. The whistleblower who tipped off the federal investigation is to receive 10% as

part of an agreement; typically, whistle-blowers receive 15-25%, Dick said.

Two categories of claims are to be available for victims; first, any out-of-pocket expenses paid for Fata's care, then any payments for treating problems resulting from Fata's bad treatments.

The compensation process will be "extremely complex," and Dick said a facilitator will be needed. Compensation for funeral expenses won't be included because of the complexity of factors that would be needed to determine whether the treatments led to death, Dick said.

"We believe we would essentially exhaust the funds trying to determine very few claims," she said.

The restitution issue is separate from any lawsuits filed by patients. Attorney Brian McKeen, representing patients in a civil case against Fata, said his clients will "absolutely" continue to pursue justice beyond the criminal case's restitution. He said Fata's insurance and institutions such as cancer centers, where people were aware of what he was doing, can be pursued for "full accountability."

Fata and defense attorney Mark Kriger said the former doctor doesn't want to be at future restitution hearings in federal court and Borman said he'll consider the request.

Kriger said they have no objection as to how prosecutors want the money divided. Also Thursday, Christopher Andreoff, Fata's other attorney, withdrew from the case.

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