

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Criminal No.
: :
: 18 U.S.C. § 371
v. :
: INFORMATION
: :
RUBEN AGUILAR :
:

The defendant having waived in open court prosecution by Indictment, the Acting United States Attorney for the District of New Jersey charges:

CONSPIRACY TO COMMIT HEALTH CARE FRAUD
(18 U.S.C. § 371)

1. At all times relevant to this Information:

a. Defendant RUBEN AGUILAR was employed as a managing pharmacist by PBR Drugs, Inc., a New Jersey corporation doing business as "Towne Pharmacy" (hereinafter, "Towne Pharmacy").

b. Towne Pharmacy was a privately-owned pharmacy located in Dunellen, New Jersey. Towne Pharmacy was licensed by the State of New Jersey Department of Health and Senior Services, and was authorized to dispense prescription medications in accordance with state and federal regulations.

c. P.R., who is named as a coconspirator but not as a defendant herein, resided in Dunellen, New Jersey, and was employed as a pharmacist at Towne Pharmacy.

d. As a managing pharmacist at Towne Pharmacy, RUBEN AGUILAR was responsible for purchasing prescription drugs from wholesale suppliers, maintaining an inventory of prescription drugs, dispensing prescription drugs to patients who held valid prescriptions for such drugs, and submitting claims to insurance carriers for payment for prescription drugs that were dispensed.

e. Medicaid was a program that provided financial assistance in connection with the healthcare needs of certain individuals with limited income and economic resources. Medicaid was jointly funded by federal and state governments, and was a "health care benefit program," as defined by Title 18, United States Code, Section 24(b).

THE CONSPIRACY

2. From at least as early as in or about 2002, through in or about March 2007, in Middlesex County, in the District of New Jersey and elsewhere, defendant

RUBEN AGUILAR

did knowingly and intentionally conspire and agree with P.R. and others to commit an offense against the United States, that is, to devise a scheme and artifice to defraud health care benefit programs, and to obtain, by means of false and fraudulent pretenses, representations, and promises, money and property owned by, and under the custody and control of health care benefit programs in connection with the delivery of and payment for health care benefits, items, and services, contrary to Title 18, United States Code, Section 1347.

The Object of the Conspiracy

3. It was the object of the conspiracy to submit false and fraudulent claims to health care benefit programs in order to obtain reimbursement payments.

The Manner and Means of the Conspiracy

4. It was part of the conspiracy that defendant RUBEN AGUILAR and his coconspirators would fill prescriptions at Towne Pharmacy with the generic version of certain medications and then submit claims to health care benefit programs, including Medicaid, for reimbursement for the more expensive brand-name versions of the medications.

5. It was a further part of the conspiracy that defendant RUBEN AGUILAR and his coconspirators would submit false claims to health care benefit programs, including Medicaid, for prescription medications that Towne Pharmacy never dispensed, thereby defrauding health care benefit programs, including Medicaid, for more than \$700,000.

Overt Acts

6. In furtherance of the conspiracy and to effect its unlawful object, defendant RUBEN AGUILAR and his coconspirators committed, and caused to be committed, the following overt acts in the District of New Jersey and elsewhere:

a. On or about January 29, 2007, defendant RUBEN AGUILAR received a request to fill a prescription from an individual posing as a Medicaid customer who was, in fact, an investigator with the State of New Jersey's Medicaid Fraud Control Unit acting in an undercover capacity (the "UC").

b. On or about January 29, 2007, defendant RUBEN AGUILAR filled the prescription for the UC with the drug Clarithromycin, which was billable to Medicaid at the rate of \$31.64 for 500 milligrams.

c. On or about January 29, 2007, defendant RUBEN AGUILAR caused Towne Pharmacy to submit a claim to Medicaid in connection with the UC's prescription for the drug Clarithromycin-ER, which was billable to Medicaid at the rate of \$91.53 for 500 milligrams, despite having administered the less expensive drug Clarithromycin to the UC.

All in violation of Title 18, United States Code,
Section 371.

RALPH J. MARRA, JR.
Acting United States Attorney