

JPL:JV
F. #2020R00308

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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UNITED STATES OF AMERICA

- against -

ALBERT MURATOV,

Defendant.

I N F O R M A T I O N

Cr. No. 24-164
(T. 18, U.S.C., §§ 982(a)(7), 982(b)(1),
1347, 2 and 3551 et seq.; T. 21, U.S.C.,
§ 853(p))

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THE UNITED STATES ATTORNEY CHARGES:

I N T R O D U C T I O N

At all times relevant to this Information, unless otherwise indicated:

I. Background

A. The Health Care Benefit Program

1. The Medicare program (“Medicare”) was a federal health care program providing benefits to persons who were at least 65 years old or disabled, referred to as Medicare “beneficiaries.”

2. Medicare was divided into multiple parts. Medicare Part D provided prescription drug coverage to persons who were eligible for Medicare.

3. Medicare beneficiaries obtained Part D benefits in two ways: (a) by joining a prescription drug plan, which covered only prescription drugs; or (b) by joining a Medicare Advantage Plan, which covered both prescription drugs and medical services (collectively, “Part D Plans”). Part D Plans were operated by private companies, often referred to as drug plan “sponsors,” that were approved by Medicare (“Medicare Drug Plan Sponsors”).

4. Medicare and Medicare Drug Plan Sponsors were each a “health care benefit program,” as defined by Title 18, United States Code, Section 24(b).

5. Among other services, Medicare provided prescription drug coverage to beneficiaries under Medicare Part D. A pharmacy was permitted to submit claims for reimbursement under Part D only for medications that were medically necessary and actually dispensed.

6. Typically, Medicare beneficiaries enrolled in a Part D Plan obtained prescription medications from a pharmacy authorized by the beneficiary’s Part D Plan. After filling a beneficiary’s prescription, the authorized pharmacy submitted the claim either directly to the Part D Plan or to a pharmacy benefit manager (“PBM”) that represented the Part D Plan. The PBMs acted on behalf of one or more Part D Plans. The Part D Plan or the PBM determined whether the pharmacy was entitled to payment for each claim. Then, the Part D Plan or PBM, either directly or indirectly, reimbursed the pharmacy for the claim.

B. Targretin

7. Bexarotene, brand name Targretin, was a drug used to treat skin problems arising from Cutaneous T-Cell Lymphoma. Cutaneous T-Cell Lymphoma was a rare disease, accounting for less than five percent of all cases of non-Hodgkin’s Lymphoma, that primarily affected the skin.

8. In or around June 2000, Targretin Gel 1% was approved as a new dosage form for Targretin by the U.S. Food and Drug Administration (the “FDA”) as a priority drug for the topical treatment of cutaneous lesions in patients with Cutaneous T-Cell Lymphoma (stage IA and IB) who had refractory or persistent disease after other therapies or who had not tolerated other therapies.

9. The use of Targretin Gel 1% was medically necessary only if other skin-directed therapies had failed or were contra-indicated for a particular patient.

10. The average wholesale price for Targretin Gel 1% was in excess of approximately \$34,000 for each 60-gram tube.

II. The Defendant and Ave M Pharmacy

11. The defendant ALBERT MURATOV was a resident of Forest Hills, New York. MURATOV, together with others, operated MNED, Inc., doing business as Ave M Pharmacy, located at 1206 Avenue M, Brooklyn, New York (hereinafter “Ave M”). Among other things, MURATOV handled the back-office responsibilities for Ave M, including the pharmacy’s finances and payments. MURATOV received a salary and 50% of Ave M’s profits.

III. The Fraudulent Scheme

12. From approximately February 2017 to September 2021, the defendant ALBERT MURATOV, together with others, submitted and caused the submission of fraudulent claims for Targretin purportedly dispensed by Ave M.

13. As part of the scheme, the defendant ALBERT MURATOV, together with others, submitted and caused the submission of approximately 253 reimbursement claims to Medicare by Ave M for Targretin Gel 1%, including claims that were medically unnecessary and not ordered by a medical professional, contrary to representations in those claims, or were never provided to the beneficiary by Ave M.

14. As a result of the fraudulent claims, Medicare and Medicare Drug Plan Sponsors paid Ave M more than \$4 million to which it was not entitled.

HEALTH CARE FRAUD

15. The allegations contained in paragraphs one through 14 are realleged and incorporated as if fully set forth in this paragraph.

16. In or about and between February 2017 and September 2021, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant ALBERT MURATOV, together with others, did knowingly and willfully execute and attempt to execute a scheme and artifice to defraud one or more health care benefit programs, as defined in Title 18, United States Code, Section 24(b), to wit: Medicare, and to obtain, by means of one or more materially false and fraudulent pretenses, representations and promises, money and property owned by, and under the custody and control of, Medicare, in connection with the delivery of and payment for health care benefits, items and services.

(Title 18, United States Code, Sections 1347, 2 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION

17. The United States hereby gives notice to the defendant that, upon his conviction of the offense charged herein, the government will seek forfeiture in accordance with Title 18, United States Code, Section 982(a)(7), which requires any person convicted of a federal health care offense to forfeit property, real or personal, that constitutes, or is derived directly or indirectly from, gross proceeds traceable to the commission of such offense.

18. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;

- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided

without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Sections 982(a)(7) and 982(b)(1); Title 21, United States Code, Section 853(p))

By Carolyn Pokorny, Assistant US Attorney

BREON PEACE
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK