

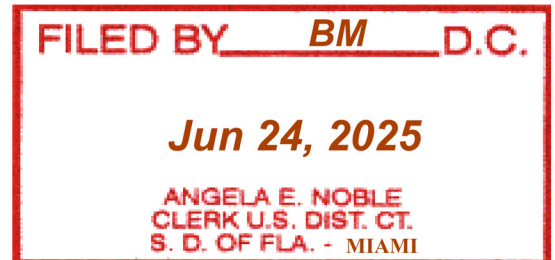
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
25-CR-20291-ALTONAGA/REID
CASE NO. _____
18 U.S.C. § 371

UNITED STATES OF AMERICA

v.

CALEB JOSUE ESPINOZA,

Defendant.



INFORMATION

The United States Attorney charges that:

GENERAL ALLEGATIONS

At all times material to this Information:

The Medicare Program

1. The Medicare Program (“Medicare”) was a federally funded program that provided free or below-cost health care benefits to certain individuals, primarily the elderly, blind, and disabled. The benefits available under Medicare were governed by federal statutes and regulations. The United States Department of Health and Human Services (“HHS”), through its agency, the Centers for Medicare and Medicaid Services (“CMS”), oversaw and administered Medicare. Individuals who received benefits under Medicare were commonly referred to as Medicare “beneficiaries.”

2. Medicare was subdivided into multiple program “parts.” Medicare Part A covered health services provided by hospitals, skilled nursing facilities, hospices, and home health agencies. Medicare Part B covered physician services and outpatient care, including an individual’s access to durable medical equipment (“DME”), such as orthotic braces (e.g., knee

braces, back braces, shoulder braces, ankle braces, and wrist braces) and wound dressings. Medicare was a “health care benefit program” as defined by Title 18, United States Code, Section 24(b).

Medicare Enrollment and Coverage for Durable Medical Equipment

3. DME suppliers, physicians, and other health care providers that provided services to Medicare beneficiaries were referred to as Medicare “providers.” To participate in Medicare, providers were required to submit an application, CMS Form 855S, which included a certification that the provider would abide by Medicare laws, regulations, and program instructions, including the Federal Anti-Kickback Statute, and would not submit or cause to be submitted false or fraudulent claims for payment.

4. CMS Form 855S also required applicants to disclose to Medicare any individual or organization with an ownership interest, partnership interest, or managing control of a DME supplier. This included: (i) all individuals and organizations with five percent or more of an ownership stake, either direct or indirect, in the DME supplier; (ii) all individuals or organizations with a partnership interest in the DME supplier, regardless of the partner’s percentage of ownership; (iii) all organizations with “managing control” of the DME supplier; and (iv) all “managing employees.”

5. CMS Form 855S defined an organization with “managing control” of a DME supplier as “[a]ny organization that exercises operational or managerial control” over the DME supplier, or “conducts the day-to-day operations” of the DME supplier. CMS Form 855S defined “managing employee” as “a general manager, business manager, administrator, director, or other individual who exercises operational or managerial control over, or who directly or indirectly

conducts the day-to-day operations” of the DME supplier, “either under contract or through some other arrangement, whether or not the individual is a W-2 employee” of the DME supplier.

6. If Medicare approved a provider’s application, Medicare assigned the provider a Medicare “provider number.” A provider with a Medicare provider number could file claims with Medicare to obtain reimbursement for services rendered to beneficiaries.

7. Medicare reimbursed DME suppliers and other providers for items and services rendered to beneficiaries. A Medicare claim for DME reimbursement was required to set forth, among other things, the beneficiary’s name and unique Medicare identification number, the DME provided to the beneficiary, the date the DME was provided, the cost of the DME, and the name and unique physician identification number of the physician who prescribed or ordered the equipment.

8. Medicare would only pay for services that were medically reasonable and necessary, eligible for reimbursement, and provided as represented.

The Defendant, Related Entities, and Relevant Persons

9. PRNX Medical Supply Corp (“PRNX”) was a company incorporated under the laws of Florida, with its principal place of business in Broward County, Florida.

10. B M E S Hub Corp (“B M E S”) was a company incorporated under the laws of Florida, with its principal place of business in Broward County, Florida.

11. Med Medical Supplies Corp (“Med Medical”) was a company incorporated under the laws of Florida, with its principal place of business in Miami-Dade County, Florida.

12. Care Plus Supplies Corp (“Care Plus”) was a company incorporated under the laws of Florida, with its principal place of business in Broward County, Florida.

13. Global Care Medical Supplies Corp. (“Global Care”) was a company incorporated under the laws of Florida, with its principal place of business in Miami-Dade County, Florida.

14. **CALEB JOSUE ESPINOZA** was a resident of Broward County who established and enrolled PRNX, B M E S, Med Medical, Care Plus, and Global Care with Medicare.

15. Co-Conspirator 1 was a resident of Miami, Florida.

16. Co-Conspirator 2 was a resident of Miami, Florida.

17. Individual 1 was a resident of Miami, Florida.

18. Individual 2 was a resident of Weston, Florida.

19. Individual 3 was a resident of Fort Lauderdale, Florida.

**Conspiracy to Defraud the United States
(18 U.S.C. § 371)**

20. Beginning in or around February 2021, and continuing through in or around August 2023, in Miami-Dade and Broward Counties, in the Southern District of Florida, and elsewhere, the defendant,

CALEB JOSUE ESPINOZA,

did knowingly and willfully, that is, with the intent to further the object of the conspiracy, combine, conspire, confederate, and agree with Co-Conspirator 1, Co-Conspirator 2, and with others known and unknown to the United States Attorney, to defraud the United States by impairing, impeding, obstructing, and defeating, through deceitful and dishonest means, the lawful government functions of HHS and CMS in their administration and oversight of the Medicare program.

Purpose of the Conspiracy

21. It was a purpose of the conspiracy for **CALEB JOSUE ESPINOZA** and his co-

conspirators to unlawfully enrich themselves by, among other things: (a) falsifying and causing the falsification of Medicare enrollment forms to conceal the true ownership of certain DME companies; (b) submitting and causing the submission of false and fraudulent claims to Medicare for DME that was medically unnecessary, ineligible for Medicare reimbursement, and not provided as billed; (c) concealing and causing the concealment of false and fraudulent claims to Medicare; and (d) diverting fraud proceeds for their personal use and benefit, the use and benefit of others, and to further the conspiracy.

Manner and Means of the Conspiracy

The manner and means by which the defendant and his co-conspirators sought to accomplish the object and purpose of the conspiracy included, among other things, the following:

22. **CALEB JOSUE ESPINOZA** established DME companies and enrolled them with Medicare for the purpose of selling the companies to others who desired to submit fraudulent claims to Medicare.

23. **CALEB JOSUE ESPINOZA** and Co-Conspirator 2 falsified and caused the falsification of Medicare enrollment forms and other records to conceal the true ownership and management of Global Care, including by falsely listing Individual 1 as the owner of Global Care, in violation of CMS requirements.

24. **CALEB JOSUE ESPINOZA** and Co-Conspirator 1 falsified and caused the falsification of Medicare enrollment forms and other records to conceal the true ownership and management of PRNX, B M E S, Med Medical, and Care Plus, including by falsely listing Individual 2 and Individual 3 as the owners of these companies, in violation of CMS requirements.

25. By enrolling these DME companies with Medicare and falsifying the paperwork to conceal the identities of the companies' new owners, **CALEB JOSUE ESPINOZA** and his co-

conspirators enabled the purchasers of the DME companies he sold to immediately submit false and fraudulent claims to Medicare without fear of getting caught. Indeed, shortly after their sale, Global Care, PRNX, Med Medical, and Care Plus submitted large numbers of claims to Medicare for orthotic braces and wound dressings that the charged beneficiaries did not need and often did not actually receive, and that were prescribed by medical practitioners who often were not treating the beneficiaries and who often had no prior relationship with the beneficiaries.

26. In total, **CALEB JOSUE ESPINOZA**, Co-Conspirator 1, Co-Conspirator 2, and others caused the submission of false and fraudulent claims to Medicare on behalf of Global Care, PRNX, Med Medical, and Care Plus in the approximate amount of \$21,635,791. As a result of these false and fraudulent claims, Medicare paid approximately \$9,197,220.

Overt Acts

In furtherance of the conspiracy, and to accomplish its object and purpose, at least one of the co-conspirators committed and caused to be committed in Miami-Dade and Broward Counties, in the Southern District of Florida and elsewhere, at least one of the following overt acts, among others:

1. On or about February 23, 2021, **CALEB JOSUE ESPINOZA** submitted a CMS Form 855S Medicare Enrollment Application for Care Plus, on which he concealed the true ownership and management of Care Plus by falsely listing Individual 3 as the owner.

2. On or about May 3, 2021, **CALEB JOSUE ESPINOZA** submitted a CMS Form 855S Medicare Enrollment Application for Med Medical, on which he concealed the true ownership and management of PRNX by falsely listing Individual 2 as the owner.

3. On or about July 6, 2022, **CALEB JOSUE ESPINOZA** submitted a CMS Form 855S Medicare Enrollment Application for PRNX, on which he concealed the true ownership and management of PRNX by falsely listing Individual 3 as the owner.

4. On or about August 8, 2022, **CALEB JOSUE ESPINOZA** submitted a CMS Form 855S Medicare Change of Ownership for Global Care, concealing the fact that Co-Conspirator 2 was an owner of Global Care by falsely listing Individual 1 as the sole owner.

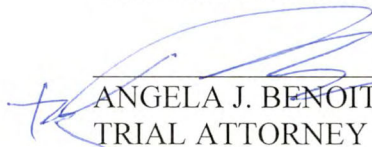
5. On or about March 21, 2023, **CALEB JOSUE ESPINOZA** submitted a CMS Form 855S Medicare Enrollment Application for B M E S, on which he concealed the true ownership and management of B M E S by falsely listing Individual 3 as the owner.

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



HAYDEN P. O'BYRNE
UNITED STATES ATTORNEY

LORINDA LARYEA, ACTING CHIEF
CRIMINAL DIVISION, FRAUD SECTION
U.S. DEPARTMENT OF JUSTICE



ANGELA J. BENOIT
TRIAL ATTORNEY
CRIMINAL DIVISION, FRAUD SECTION
U.S. DEPARTMENT OF JUSTICE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

CASE NO.: 25-CR-20291-ALTONAGA/REID

v.

CALEB JOSUE ESPINOZA,

Defendant.

Court Division (select one)

☒ Miami☐ Key West☐ FTP☐ FTL☐ WPB

CERTIFICATE OF TRIAL ATTORNEY

Superseding Case Information:

New Defendant(s) (Yes or No) _____

Number of New Defendants _____

Total number of new counts _____

I do hereby certify that:

1. I have carefully considered the allegations of the Indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
2. I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, 28 U.S.C. §3161.
3. Interpreter: (Yes or No) No
List language and/or dialect: _____
4. This case will take 0 days for the parties to try.
5. Please check appropriate category and type of offense listed below:
(Check only one) (Check only one)

I <input checked="" type="checkbox"/> 0 to 5 days	<input type="checkbox"/> Petty
II <input type="checkbox"/> 6 to 10 days	<input type="checkbox"/> Minor
III <input type="checkbox"/> 11 to 20 days	<input type="checkbox"/> Misdemeanor
IV <input type="checkbox"/> 21 to 60 days	<input checked="" type="checkbox"/> Felony
V <input type="checkbox"/> 61 days and over	
6. Has this case been previously filed in this District Court? (Yes or No) No
If yes, Judge _____ Case No. _____
7. Has a complaint been filed in this matter? (Yes or No) No
If yes, Judge _____ Magistrate Case No. _____
8. Does this case relate to a previously filed matter in this District Court? (Yes or No) No
If yes, Judge _____ Case No. _____
9. Defendant(s) in federal custody as of _____
10. Defendant(s) in state custody as of _____
11. Rule 20 from the _____ District of _____
12. Is this a potential death penalty case? (Yes or No) No
13. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to October 3, 2019 (Mag. Judge Jared M. Strauss)? (Yes or No) No
14. Did this matter involve the participation of or consultation with Magistrate Judge Eduardo I. Sanchez during his tenure at the U.S. Attorney's Office, which concluded on January 22, 2023? No
15. Did this matter involve the participation of or consultation with Magistrate Judge Marty Fulgueira Elfenbein during her tenure at the U.S. Attorney's Office, which concluded on March 5, 2024? No
16. Did this matter involve the participation of or consultation with Magistrate Judge Ellen F. D'Angelo during her tenure at the U.S. Attorney's Office, which concluded on October 7, 2024? No

By: _____

ANGELA J. BENOIT

DOJ Trial Attorney

SDFL Court ID No. A5502549

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: CALEB JOSUE ESPINOZA

Case No: _____

Count #: 1

Title 18, United States Code, Section 371

Conspiracy to Defraud the United States

* **Max. Term of Imprisonment:** 5 years

* **Mandatory Min. Term of Imprisonment (if applicable):** N/A

* **Max. Supervised Release:** 3 years

* **Max. Fine:** \$250,000 or twice the gross gain or loss resulting from the offense

***Refers only to possible term of incarceration, supervised release and fines. It does not include restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT

for the
Southern District of Florida

United States of America

v.

Caleb Josue Espinoza,

Defendant

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Case No. **25-CR-20291-ALTONAGA/REID**

WAIVER OF AN INDICTMENT

I understand that I have been accused of one or more offenses punishable by imprisonment for more than one year. I was advised in open court of my rights and the nature of the proposed charges against me.

After receiving this advice, I waive my right to prosecution by indictment and consent to prosecution by information.

Date: _____

Defendant's signature

Signature of defendant's attorney

GREGORY SAMMS, ESQ.
Printed name of defendant's attorney

Judge's signature

Judge's printed name and title