

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. **18-20453** **3** **CR-UNGARO**

18 U.S.C. § 1349
18 U.S.C. § 1347
18 U.S.C. § 1957
18 U.S.C. § 2
18 U.S.C. § 982

/O'SULLIVAN

UNITED STATES OF AMERICA

vs.

MARIA E. INDA and
ILEANA RODRIGUEZ,

Defendants.

_____ /

INDICTMENT

The Grand Jury charges that:

GENERAL ALLEGATIONS

At all times material to this Indictment:

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, 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 programs covering different types of benefits were separated into different program "parts." Part D of Medicare (the "Medicare Part D Program") subsidized the costs of

prescription drugs for Medicare beneficiaries in the United States. The Medicare Part D Program was enacted as part of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 and went into effect on January 1, 2006.

3. In order to receive Part D benefits, a beneficiary enrolled in a Medicare drug plan. Medicare drug plans were operated by private companies approved by Medicare. Those companies were often referred to as drug plan "sponsors." A beneficiary in a Medicare drug plan could fill a prescription at a pharmacy and use his or her plan to pay for some or all of the prescription.

4. A pharmacy could participate in Part D by entering a retail network agreement directly with a plan or with one or more Pharmacy Benefit Managers ("PBMs"). A PBM acted on behalf of one or more Medicare drug plans. Through a plan's PBM, a pharmacy could join the plan's network. When a Part D beneficiary presented a prescription to a pharmacy, the pharmacy submitted a claim either directly to the plan or to a PBM that represented the beneficiary's Medicare drug plan. The plan or PBM determined whether the pharmacy was entitled to payment for each claim and periodically paid the pharmacy for outstanding claims. The drug plan's sponsor reimbursed the PBM for its payments to the pharmacy.

5. A pharmacy could also submit claims to a Medicare drug plan to whose network the pharmacy did not belong. Submission of such out-of-network claims was not common and often resulted in smaller payments to the pharmacy by the drug plan sponsor.

6. Medicare, through CMS, compensated the Medicare drug plan sponsors. Medicare paid the sponsors a monthly fee for each Medicare beneficiary of the sponsors' plans. Such payments were called capitation fees. The capitation fee was adjusted periodically based on various factors, including the beneficiary's medical conditions. In addition, in some cases where a sponsor's

expenses for a beneficiary's prescription drugs exceeded that beneficiary's capitation fee, Medicare reimbursed the sponsor for a portion of those additional expenses.

7. Medicare and Medicare drug plan sponsors were "health care benefit program[s]," as defined by Title 18, United States Code, Section 24(b).

The Defendants and Related Companies

8. Caribbean Pharmacy, Inc. (Caribbean) was a Florida corporation that did business in Miami-Dade County purportedly providing prescription drugs to Medicare beneficiaries.

9. Aqua Pharma, Inc. (Aqua) was a Florida corporation that did business in Miami-Dade County purportedly providing prescription drugs to Medicare beneficiaries.

10. **MARIA E. INDA**, a resident of Miami-Dade County and a licensed pharmacy technician, was the owner, authorized representative and registered agent of Caribbean, and a beneficial owner of Aqua.

11. **ILEANA RODRIGUEZ**, a resident of Miami-Dade County and licensed pharmacy technician, was an employee of Caribbean and the incorporator, president and registered agent of Aqua.

COUNT 1
CONSPIRACY TO COMMIT HEALTH CARE FRAUD AND WIRE FRAUD
(18 U.S.C. § 1349)

1. The General Allegations section of this Indictment is realleged and incorporated by reference as though fully set forth herein.

2. From in or around May of 2009 and continuing through at least in or around September of 2016, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

**MARIA E. INDA and
ILEANA RODRIGUEZ,**

did willfully, that is, with the intent to further the objects of the conspiracy, and knowingly combine, conspire, confederate and agree with each other and others known and unknown to the Grand Jury, to commit offenses against the United States of America, that is:

a. to knowingly and willfully execute, and attempt to execute, a scheme and artifice to defraud a health care benefit program affecting commerce, as defined in Title 18, United States Code, Section 24(b), specifically, Medicare and Medicare drug plan sponsors, and to obtain, by means of materially false and fraudulent pretenses, representations, and promises, money and property owned by, and under the custody and control of, said health care benefit programs, in connection with the delivery of and payment for health care benefits, items, and services in violation of Title 18, United States Code, Section 1347; and

b. to knowingly and with the intent to defraud, devise and intend to devise a scheme and artifice to defraud and for obtaining money and property by means of materially false and fraudulent pretenses, representations, and promises, knowing the pretenses, representations, and promises were false and fraudulent when made, and for the purpose of executing the scheme and artifice, did knowingly transmit and cause to be transmitted by means of wire communication in interstate and foreign commerce, certain writings, signs, signals, and sounds, in violation of Title 18, United States Code, Section 1343.

PURPOSE OF THE CONSPIRACY

3. It was the purpose of the conspiracy for the defendants and their co-conspirators to unlawfully enrich themselves by, among other things: (a) paying kickbacks for the referral of fraudulent prescriptions to Caribbean and Aqua; (b) submitting and causing the submission of false

and fraudulent claims to health care benefit programs; (c) concealing the submission of false and fraudulent claims to health care benefit programs, and the receipt and transfer of fraud proceeds; and (d) diverting fraud proceeds for the personal use and benefit of themselves and others, and to further the fraud.

MANNER AND MEANS OF THE CONSPIRACY

The manner and means by which the defendants and their co-conspirators sought to accomplish the objects and purpose of the conspiracy included, among other things, the following:

4. **MARIA E. INDA, ILEANA RODRIGUEZ** and their co-conspirators paid kickbacks to patient recruiters for the referral of Medicare beneficiary prescriptions for use in false and fraudulent billing of the Medicare Part D Program through Caribbean and Aqua.

5. **MARIA E. INDA, ILEANA RODRIGUEZ** and their co-conspirators submitted and caused the submission of claims to the Medicare Part D Program, via interstate electronic wire communications, that falsely and fraudulently represented that various health care benefits, primarily prescription drugs, were medically necessary and had been provided to the Medicare beneficiaries by Caribbean and Aqua.

6. As a result of such false and fraudulent claims, Medicare prescription drug plan sponsors, through their PBMs, made overpayments funded by the Medicare Part D Program to the corporate bank accounts of Caribbean and Aqua.

7. **MARIA E. INDA, ILEANA RODRIGUEZ** and their co-conspirators used the proceeds from the false and fraudulent Medicare Part D claims for their own use and the use of others, and to further the fraud.

All in violation of Title 18, United States Code, Section 1349.

COUNTS 2-9
HEALTH CARE FRAUD
(18 U.S.C. § 1347)

1. The General Allegations section of this Indictment is realleged and incorporated by reference as though fully set forth herein.

2. From in or around May of 2009 and continuing through at least in or around September of 2016, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

MARIA E. INDA and
ILEANA RODRIGUEZ,

in connection with the delivery of and payment for health care benefits, items, and services, did knowingly and willfully execute, and attempt to execute, a scheme and artifice to defraud a health care benefit program affecting commerce, as defined by Title 18, United States Code, Section 24(b), that is, Medicare and Medicare drug plan sponsors, and to obtain, by means of materially false and fraudulent pretenses, representations, and promises, money and property owned by, and under the custody and control of, said health care benefit programs.

Purpose of the Scheme and Artifice

3. It was the purpose of the scheme and artifice for the defendants and their accomplices to unlawfully enrich themselves by, among other things: (a) paying kickbacks for the referral of fraudulent prescriptions to Caribbean and Aqua; (b) submitting and causing the submission of false and fraudulent claims to health care benefit programs; (c) concealing the submission of false and fraudulent claims to health care benefit programs, and the receipt and transfer of fraud proceeds; and (d) diverting fraud proceeds for the personal use and benefit of themselves and others, and to further the fraud.

The Scheme and Artifice

4. The allegations contained in paragraphs 4 through 7 of the Manner and Means section of Count 1 of this Indictment are realleged and incorporated by reference as though fully set forth herein as a description of the scheme and artifice.

Acts in Execution or Attempted Execution of the Scheme and Artifice

5. On or about the dates set forth as to each count below, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants, in connection with the delivery of and payment for health care benefits, items, and services, did knowingly and willfully execute, and attempt to execute, the above-described scheme and artifice to defraud a health care benefit program affecting commerce, as defined by Title 18, United States Code, Section 24(b), that is, Medicare and Medicare drug plan sponsors, and to obtain, by means of materially false and fraudulent pretenses, representations, and promises, money and property owned by, and under the custody and control of, said health care benefit programs, in that the defendants submitted and caused the submission of false and fraudulent claims seeking the identified dollar amounts, and representing that Caribbean and Aqua provided pharmaceutical items and services to Medicare beneficiaries pursuant to physicians' orders and prescriptions:

Count	Defendants	Medicare Beneficiary	Pharmacy and Approx. Date of Submission of Claim	Medicare Claim Number	Item Claimed; Approx. Amount Claimed
2	Maria Inda and Ileana Rodriguez	B.N.	Caribbean 07/01/2013	13582695196100 00001635315	Seroquel XR Tab 300MG; \$501
3	Maria Inda and Ileana Rodriguez	S.A.	Caribbean 08/01/2013	52332077294046 16404004968287 934331404071	Advair Diskus; \$276

Count	Defendants	Medicare Beneficiary	Pharmacy and Approx. Date of Submission of Claim	Medicare Claim Number	Item Claimed; Approx. Amount Claimed
4	Maria Inda and Ileana Rodriguez	B.N.	Caribbean 09/17/2013	13660516837100 00143357712	Namenda Tab 10MG; \$268
5	Maria Inda and Ileana Rodriguez	T.G.	Caribbean 11/18/2013	137222180501 0000373645911	Advair Diskus; \$270
6	Maria Inda and Ileana Rodriguez	B.N.	Aqua 01/07/2014	31218022168839 96503798314605 781804404381	Namenda Tab 10MG; \$295
7	Maria Inda and Ileana Rodriguez	S.A	Aqua 02/12/2014	15528972190725 75401832426091 702074404071	Seroquel XR Tab 400MG; \$1,306
8	Maria Inda and Ileana Rodriguez	B.N.	Aqua 03/21/2014	36390571823475 49500330032806 723435404381	Seroquel XR Tab 300MG; \$568
9	Maria Inda and Ileana Rodriguez	T.G.	Aqua 02/28/2015	35462794272100 00504636908	Advair Diskus; \$357

In violation of Title 18, United States Code, Sections 1347 and 2.

COUNTS 10-11
MONEY LAUNDERING
(18 U.S.C. § 1957)

1. The General Allegations section of this Indictment is realleged and incorporated by reference as if fully set forth herein.

2. On or about the dates specified below as to each count, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

ILEANA RODRIGUEZ,

did knowingly engage and attempt to engage in a monetary transaction affecting interstate

commerce, by, through and to a financial institution, in criminally derived property greater than \$10,000, and such property having been derived from specified unlawful activity.

Count	Approximate Date of Transaction	Description of Monetary Transaction
10	09/30/2014	The transfer of approximately \$25,665.88 via check no. 1041, drawn on the Bank of America account of ILEANA RODRIGUEZ ending in xxx1538, and made payable to Off Lease Only, Inc. for the purchase of a Mercedes-Benz automobile
11	07/11/2016	The transfer of approximately \$293,992.65 via wire transfer, drawn from the Chase bank account of ILEANA RODRIGUEZ ending in xxx0385, and made payable to a Suntrust account ending in xxx8863 for the purchase of real property located at 15625 SW 55 th Street, Miami, Florida

3. It is further alleged that the specified unlawful activity is health care fraud and conspiracy to commit health care fraud, in violation of Title 18, United States Code, Sections 1347 and 1349.

In violation of Title 18, United States Code, Sections 1957 and 2.

FORFEITURE
(18 U.S.C. § 982)

1. The allegations contained in this Indictment are realleged and incorporated by reference as though fully set forth herein for the purpose of alleging forfeiture to the United States of certain property in which the defendants **MARIA E. INDA** and **ILEANA RODRIGUEZ** have an interest.

2. Upon conviction of any violation of Title 18, United States Code, Sections 1347 or 1349, as alleged in Counts 1 through 9 of the Indictment, the defendant so convicted shall forfeit to the United States all of her right, title and interest in any property, real or personal, that constitutes

or is derived, directly or indirectly, from gross proceeds traceable to the commission of such violations, pursuant to Title 18, United States Code, Section 982(a)(7).

3. Upon conviction of a violation of Title 18, United States Code, Section 1957 as alleged in Counts 10 and 11, **ILEANA RODRIGUEZ** shall forfeit to the United States all of her right, title and interest in any property, real or personal, involved in such offense, or any property traceable to such property pursuant to Title 18, United States Code, Section 982(a)(1).

4. The property subject to forfeiture includes, but is not limited to, the following:

(a) The real property known and numbered as 15625 SW 55th Street, Miami, Florida, together with all improvements, appurtenances, attachments and fixtures thereon and therein;

(b) One (1) 2013 Mercedes-Benz C-Class (VIN: WDDGF8ABXDR260117).


(c) A sum of money in United States currency equal in value to the property, real, or personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the Federal health care offenses alleged in this Indictment in Counts 1-9 which the United States will seek as a forfeiture money judgment as part of each defendant's sentence.

(d) A sum of money in United States currency equal in value to the property, real or personal, involved in the violation of Title 18, United States Code, Section 1957, as alleged in Counts 10 and 11 of this Indictment, or any property traceable to such property, which the United States will seek as a forfeiture money judgment as part of defendants' sentence.

All pursuant to Title 18, United States Code, Sections 982(a)(1) and 982(a)(7); and the procedures set forth at Title 21, United States Code, Section 853, as made applicable through Title 18, United States Code, Section 982(b)(1).

A TRUE BILL.


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BENJAMIN G. GREENBERG
UNITED STATES ATTORNEY


JON M. WENGER
ASSISTANT U.S. ATTORNEY