

FILED by *TS* D.C.  
MAY 24 2018  
STEVEN M. LARIMORE  
CLERK U.S. DIST. CT.  
S. D. of FLA. - MIAMI

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No. **18-60144**

18 U.S.C. § 371  
42 U.S.C. § 1320a-7b(b)(1)(A)  
18 U.S.C. § 982(a)(7)

**CR-DIMITROULEAS/Snow**

UNITED STATES OF AMERICA

vs.

RYAN LONG,

Defendant.

\_\_\_\_\_ /

**INDICTMENT**

The Grand Jury charges that:

**GENERAL ALLEGATIONS**

At all times material to this Indictment:

**TRICARE PROGRAM**

1. TRICARE was a health care insurance program of the United States Department of Defense. TRICARE provided civilian health benefits for military personnel, military retirees, and military dependents all around the world. The TRICARE program provided medical coverage for Uniformed Service members including those who were active duty and reservists that were a part of the following: United States Army, United States Air Force, United States Navy, United States Marine Corps, United States Coast Guard, Commissioned Corps of the United States Public Health Service, and Commissioned Corps of the National Oceanic and Atmospheric Association, National Guard/Reserve, Army National Guard, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard, Air Force Reserve, and United States Coast Guard Reserve and their families.

This program also covered survivors, former spouses, Medal of Honor recipients and their families, and others registered in the Defense Enrollment Eligibility Reporting System (DEERS).

2. There were two types of beneficiaries under the TRICARE program: (a) Sponsors - active duty, retired and guard/reserve members, and (b) Family Members - spouses and children who were registered in DEERS.

3. In order to pay a claim, TRICARE required that the item or service being billed must be medically necessary, properly prescribed by a licensed physician and actually provided to a TRICARE beneficiary.

4. TRICARE was a Federal health care benefit program as defined by Title 18, United States Code, Section 24(b), and as such it was illegal for an individual to pay kickbacks to a person for the referral of an individual for the furnishing of some health care item, benefit or service.

5. TRICARE contracted with Express Scripts, Incorporated (ESI) to administer the TRICARE program, specifically for the processing and payment of claims.

#### **The Defendant and Related Entities**

6. Company 1, a corporation organized under the laws of the State of Florida, was a pharmacy located in Broward County, in the Southern District of Florida that purportedly provided pharmaceutical drugs and compounded medications to TRICARE and private commercial insurance beneficiaries.

7. MGTEN Marketing Group, Inc. (MGTEN), a corporation organized under the laws of the State of Florida, located at 4110 W. Sevilla Street, Tampa, Florida, recruited and paid individuals to refer TRICARE beneficiaries to it so that it could in turn refer those beneficiaries to Company 1.

8. Monty Ray Grow, a resident of the State of Florida, was the sole owner and officer of MGTEN.

9. M.C.S.T., Corporation. (M.C.S.T.), a corporation organized under the laws of the State of Florida, located at 10401 N. Natchez Loop, Dunnellon, Florida, recruited and paid individuals to refer TRICARE beneficiaries to MGTEN so that it could in turn refer those beneficiaries to Company 1.

10. Defendant **RYAN LONG**, a resident of the State of Florida, was the sole owner and officer of M.C.S.T.

**COUNT 1**  
**CONSPIRACY TO RECEIVE HEALTH CARE KICKBACKS**  
**(18 U.S.C. § 371)**

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

2. From in or around October of 2014, through in or around April of 2015, in Broward County, in the Southern District of Florida, and elsewhere, the defendant,

**RYAN LONG,**

did knowingly, that is, with the intent to further the object of the conspiracy, and willingly combine, conspire, confederate, and agree with Monty Ray Grow and others, known and unknown to the Grand Jury, to commit offenses against the United States, that is, to violate Title 42, United States Code, 1320a-7b(b)(1)(A), by knowingly and willfully soliciting and receiving any remuneration, including kickbacks and bribes, directly and indirectly, overtly and covertly, in cash and in kind, in return for referring an individual to a person for the furnishing and arranging for the furnishing of any item and service for which payment may be made in whole and in part under a Federal health care program, that is, TRICARE.

**PURPOSE OF THE CONSPIRACY**

3. It was a purpose of the conspiracy for the defendant and his co-conspirators to unlawfully enrich themselves by: (1) soliciting and receiving kickbacks and bribes in return for referring Tricare beneficiaries to MGTEN to serve as patients; and (2) submitting and causing the submission of claims to Tricare for compounded medications that Company 1 purported to provide to those Tricare beneficiaries.

**MANNER AND MEANS**

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:

4. **RYAN LONG** accepted kickbacks from Company 1 and MGTEN in exchange for recruiting Tricare beneficiaries, knowing that Company 1 would bill Tricare for compounded medications purportedly dispensed to the recruited Tricare beneficiaries.

5. **RYAN LONG** caused Tricare to pay Company 1 based upon compounded medications alleged to have been dispensed to the recruited Tricare beneficiaries.

6. As a result of these claims, TRICARE made payments to Company 1.

**OVERT ACTS**

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

1. On or about November 18, 2014, MGTEN wired the approximate sum of \$2,880 to **RYAN LONG** as a kickback payment in exchange for the defendant's referral of TRICARE beneficiaries' prescriptions to MGTEN.

2. On or about December 27, 2014, **RYAN LONG** e-mailed Monty Ray Grow about

the billing status for TRICARE beneficiary "M.D."

3. On or about January 14, 2015, **RYAN LONG** e-mailed Monty Ray Grow about proposed kickback percentages for TRICARE patient referrals traceable to the defendant.

4. On or about February 4, 2015, **RYAN LONG** e-mailed Monty Ray Grow a TRICARE patient intake form for TRICARE beneficiary "E.R."

5. On or about February 4, 2015, **RYAN LONG** e-mailed Monty Ray Grow a TRICARE patient intake form for TRICARE beneficiary "J.R."

6. On or about March 16, 2015, **RYAN LONG** e-mailed Monty Ray Grow a TRICARE patient intake form for TRICARE beneficiary "H.V."

7. On or about March 18, 2015, **MGTEN** wired the approximate sum of \$32,300 to **M.C.S.T.** as a kickback payment in exchange for the defendant's recruitment and referral of TRICARE beneficiaries' prescriptions to **MGTEN**.

8. On or about April 22, 2015, **MGTEN** wired the approximate sum of \$74,100 to **RYAN LONG** as a kickback payment in exchange for the defendant's referral of TRICARE beneficiaries' prescriptions to **MGTEN**

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

**COUNTS 2-7**  
**RECEIPT OF HEALTH CARE KICKBACKS**  
**(42 U.S.C. § 1320a-7b(b)(1)(A))**

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

2. On or about the dates set forth below, in Broward County, in the Southern District

of Florida, and elsewhere, the defendant,

**RYAN LONG,**

did knowingly and willfully solicit and receive any remuneration, that is, kickbacks and bribes, directly and indirectly, overtly and covertly, in cash and in kind, in return for referring an individual to a person for the furnishing and arranging for the furnishing of any item and service for which payment may be made in whole and in part under a Federal health care program, this is, Tricare.

<b>Count</b>	<b>Approx. Date of Kickback Payment</b>	<b>Approx. Amount of Kickback Payment</b>
<b>2</b>	11/18/2014	\$2,880
<b>3</b>	12/9/2014	\$7,840
<b>4</b>	1/20/2015	\$23,500
<b>5</b>	2/18/2015	\$34,210
<b>6</b>	3/18/2015	\$32,300
<b>7</b>	4/22/2015	\$74,100

In violation of Title 42, United States Code, Section 1320a-7b(b)(1)(A).

**FORFEITURE**  
**(18 U.S.C. § 982(a)(7))**

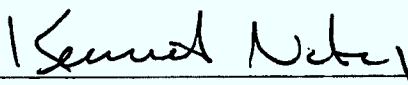
1. The allegations of this Indictment are re-alleged and by this reference fully incorporated herein for the purpose of alleging forfeiture to the United States of America of certain property in which the defendant, **RYAN LONG** has an interest.
2. Upon conviction of a "Federal health care offense," as defined in Title 18, United States Code, Section 24(b), as alleged in Counts 1 through 7 of this Indictment, the defendant shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(7), any property, real or personal, that constitutes, or is derived, directly or indirectly, from gross proceeds traceable to the commission of such offense.
3. The property subject to forfeiture includes, but is not limited, the following: A


forfeiture money judgment in an amount equal in value to the property, real or personal, that constitutes, or is derived, directly or indirectly, from gross proceeds traceable to the commission of the Federal health care offenses alleged in this Indictment.

All pursuant to Title 18, United States Code, Section 982(a)(7), and the procedures set forth in Title 21, United States Code, Section 853, as made applicable by Title 18, United States Code, Section 982(b).

A TRUE BILL 

GRAND

  
\_\_\_\_\_  
RANDY HUMMEL  
ATTORNEY FOR THE UNITED STATES  
ACTING UNDER AUTHORITY CONFERRED BY 28 U.S.C. § 515.

  
\_\_\_\_\_  
KEVIN J. LARSEN  
ASSISTANT UNITED STATES ATTORNEY