

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No. **17-20480**

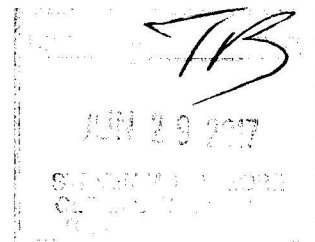
18 U.S.C. § 1347

18 U.S.C. § 2

18 U.S.C. § 982(a)(7)

CR-000KE

/GOODMAN



UNITED STATES OF AMERICA

vs.

LISBET CORDOVA,

Defendant.

**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 the Medicare Program subsidized the costs of prescription drugs for

Medicare beneficiaries in the United States. It was enacted as a 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 the Part D Program 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).

**Medicare Drug Plan Sponsors**

8. Silverscript Insurance Company ("Silverscript"), United Healthcare Insurance Company ("United"), Medco Containment Life Insurance Company ("Medco"), Cigna Pharmacy Management ("Cigna"), CVS Caremark ("Caremark"), Envision Rx Options ("Envision"), Express Scripts ("Express"), Managed Pharmacy Care Services ("Managed Care"), Prime Therapeutics ("Prime"), and Optum Rx ("Optum") were Medicare drug plan sponsors.

**The Defendant and a Related Company**

9. Jalvarez Pharmacy, Inc. ("Jalvarez") was a Florida corporation doing business in Miami-Dade County, purportedly providing prescription drugs to Medicare beneficiaries.

10. Defendant **LISBET CORDOVA**, a resident of Miami-Dade County, was the owner of Jalvarez.

**COUNTS 1-4**  
**Health Care Fraud**  
**(18 U.S.C. § 1347)**

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

2. From in or around November 2013, through in or around May 2014, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

**LISBET CORDOVA,**

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 various Medicare drug plan sponsors, including Silverscript, United, Medco, Cigna, Caremark, Envision, Express, Managed Care, Prime, and Optum, 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 defendant to unlawfully enrich herself, by, among other things: (a) submitting and causing the submission of false and fraudulent claims to a health care benefit program; (b) concealing the submission of false and fraudulent claims to a health care benefit program; (c) concealing the receipt of the fraud proceeds; and (d) diverting the fraud proceeds for her personal use and benefit, and to further the fraud.

**The Scheme and Artifice**

4. **LISBET CORDOVA** and her accomplices submitted and caused the submission of claims that falsely and fraudulently represented various health care benefits, primarily prescription drugs, were medically necessary, prescribed by a doctor, and provided to Medicare beneficiaries by Jalvarez.

5. 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 Jalvarez, in the approximate amount of \$730,000.



6. **LISBET CORDOVA** and her accomplices used the proceeds from the false and fraudulent Medicare Part D claims for their own benefit and use, the benefit and use of others, and to further the fraud.

**Acts in Execution or Attempted Execution of the Scheme and Artifice**

7. 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 defendant, **LISBET CORDOVA**, 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 various Medicare drug plan sponsors, including Silverscript, United, Medco, Cigna, Caremark, Envision, Express, Managed Care, Prime, and Optum, 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 defendant and her accomplices submitted and caused the submission of false and fraudulent claims seeking the identified dollar amounts, and representing that Jalvarez provided pharmaceutical items and services to Medicare beneficiaries pursuant to physicians' orders and prescriptions:

| <b>Count</b> | <b>Medicare Beneficiary</b> | <b>Approx. Date of Submission of Claim</b> | <b>Claim Number</b> | <b>Medicare Drug Plan Sponsor</b> | <b>Item Claimed; Approx. Amount Paid</b> |
|--------------|-----------------------------|--|---------------------|-----------------------------------|--|
| <b>1</b>     | V.A.                        | 02/04/2014                                 | 140172236934005999  | United                            | Lovaza Cap 1GM; \$109                    |
| <b>2</b>     | V.A                         | 04/01/2014                                 | 140762265087062998  | United                            | Lovaza Cap 1GM; \$109                    |

| Count | Medicare Beneficiary | Approx. Date of Submission of Claim | Claim Number         | Medicare Drug Plan Sponsor | Item Claimed; Approx. Amount Paid |
|-------|----------------------|-------------------------------------|----------------------|----------------------------|-----------------------------------|
| 3     | G.G.                 | 03/17/2014                          | 14063452536501999991 | Silverscript               | Lovaza Cap 1GM; \$109             |
| 4     | G.G.                 | 03/17/2014                          | 14063452745803799991 | Silverscript               | Lidocaine Oint 5%; \$224          |

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

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

1. The allegations contained in this Indictment are re-alleged 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 defendant, **LISBET CORDOVA**, has an interest.

2. Upon conviction of a violation of Title 18, United States Code, Section 1347, as alleged in this Indictment, the defendant shall forfeit to the United States any property, real or personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of the offense pursuant to Title 18, United States Code, Section 982(a)(7).

3. The property subject to forfeiture includes a money judgment in the amount of approximately \$730,822.43 in United States currency, which sum represents the value of the gross proceeds traceable to the commission of the violations alleged in this Indictment.

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

- a. cannot be located upon the exercise of due diligence;

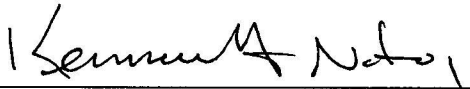
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States to seek forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p).

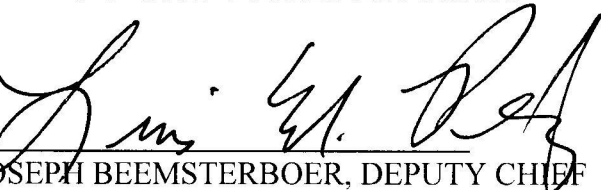
All pursuant to Title 18, United States Code, Sections 982(a)(7) and 981(a)(1)(C), as incorporated by Title 28, United States Code, Section 2461(c), and the procedures set forth in Title 21, United States Code, Section 853.

A TRUE BILL,

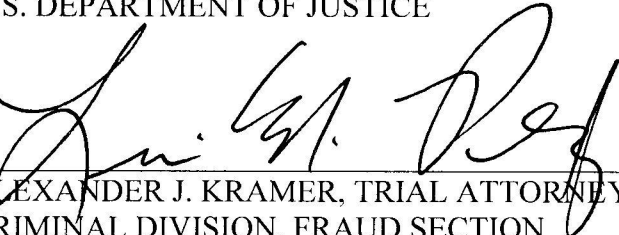
FOREPERSON



BENJAMIN G. GREENBERG  
ACTING UNITED STATES ATTORNEY



JOSEPH BEEMSTERBOER, DEPUTY CHIEF  
CRIMINAL DIVISION, FRAUD SECTION  
U.S. DEPARTMENT OF JUSTICE



ALEXANDER J. KRAMER, TRIAL ATTORNEY  
CRIMINAL DIVISION, FRAUD SECTION  
U.S. DEPARTMENT OF JUSTICE

UNITED STATES OF AMERICA

CASE NO. \_\_\_\_\_

v.

**CERTIFICATE OF TRIAL ATTORNEY\***

LISBET CORDOVA,

Defendant.

**Superseding Case Information:**

**Court Division:** (Select One)

X Miami        Key West  
FTL        WPB        FTP

New Defendant(s) Yes        No         
Number of New Defendants         
Total number of 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, Title 28 U.S.C. Section 3161.
3. Interpreter: (Yes or No) Yes         
List language and/or dialect Spanish
4. This case will take 3-5 days for the parties to try.
5. Please check appropriate category and type of offense listed below:

(Check only one)

(Check only one)

|     |                  |               |         |               |
|-----|------------------|---------------|---------|---------------|
| I   | 0 to 5 days      | <u>X</u>      | Petty   | <u>      </u> |
| II  | 6 to 10 days     | <u>      </u> | Minor   | <u>      </u> |
| III | 11 to 20 days    | <u>      </u> | Misdem. | <u>      </u> |
| IV  | 21 to 60 days    | <u>      </u> | Felony  | <u>X</u>      |
| V   | 61 days and over | <u>      </u> |         |               |

6. Has this case been previously filed in this District Court? (Yes or No) No

If yes:

Judge: \_\_\_\_\_

Case No. \_\_\_\_\_

(Attach copy of dispositive order)

Has a complaint been filed in this matter? (Yes or No) No

If yes:

Magistrate Case No. \_\_\_\_\_

Related Miscellaneous numbers: \_\_\_\_\_

Defendant(s) in federal custody as of \_\_\_\_\_

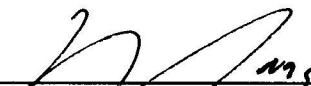
Defendant(s) in state custody as of \_\_\_\_\_

Rule 20 from the District of \_\_\_\_\_

Is this a potential death penalty case? (Yes or No) No

7. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to October 14, 2003? Yes        No X

8. Does this case originate from a matter pending in the Central Region of the U. S. Attorney's Office prior to September 1, 2007? Yes        No X

  
ALEXANDER KRAMER  
DOJ TRIAL ATTORNEY  
Court ID No. A5502240



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

**Defendant's Name:** LISBET CORDOVA

**Case No:** \_\_\_\_\_

Counts #: 1 – 4

Health Care Fraud

Title 18, United States Code, Section 1347

**\*Max Penalty:** Ten (10) years' imprisonment as to each count

Count #:

\_\_\_\_\_

\_\_\_\_\_

**\*Max Penalty:** \_\_\_\_\_

Count #:

\_\_\_\_\_

\_\_\_\_\_

**\*Max Penalty:** \_\_\_\_\_

Count #:

\_\_\_\_\_

\_\_\_\_\_

**\*Max Penalty:** \_\_\_\_\_

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