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U.S. DISTRICT COURT
EASTERN DISTRICT OF LA. gk
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WILLIAM H. BLEVINS
CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

FELONY

**BILL OF INFORMATION FOR CONSPIRACY
TO PAY AND RECEIVE ILLEGAL HEALTH CARE KICKBACKS**

UNITED STATES OF AMERICA

*

CRIMINAL NO.

19-00007

v.

*

SECTION: SECT. 11 MAG. 2

RICHARD HOMRIGHAUSEN
KIMBERLY HOMRIGHAUSEN

*

VIOLATION: 18 U.S.C. § 371

*

* * *

The United States Attorney charges that:

COUNT 1

A. AT ALL TIMES MATERIAL HEREIN:

1. A federal health care program was any plan or program that provided health benefits, whether directly, through insurance, or otherwise, which was funded directly, in whole or in part, by the United States Government pursuant to Title 42, United States Code, Section 1320a-7b(f). TRICARE was a federal health care benefit program.

B. THE CONSPIRACY:

From in or around late 2014, through in or around August 2015, in the Eastern District of Louisiana, and elsewhere, the defendants, **KIMBERLY HOMRIGHAUSEN** and **RICHARD**

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HOMRIGHAUSEN, did knowingly and willfully combine, conspire, confederate and agree, with each other and others known and unknown, to commit offenses against the United States, that is:

2. To knowingly and willfully solicit and receive remuneration, including kickbacks and bribes, directly and indirectly, overtly and covertly, in cash and in kind, in return for referring individuals for the furnishing and arranging for 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, in violation of Title 42, United States Code, Section 1320a-7b(b)(1)(A);

3. To knowingly and willfully offer and pay any remuneration, including kickbacks and bribes, directly and indirectly, overtly and covertly, in cash and in kind, in return for referring an individual to furnish and arrange for the furnishing of any item and service for which payment may be made in whole and in part by a Federal health care program, that is, TRICARE; in violation of Title 42, United States Code, Section 1320a-7b(b)(2)(A); and

4. To knowingly and willfully offer and pay remuneration, including kickbacks and bribes, directly and indirectly, overtly and covertly, in cash and in kind, in return for the purchasing, leasing, ordering, and arranging for and recommending the purchasing, leasing, and ordering of any good, item, and service for which payment may be made in whole and in part under a Federal health care program, that is, TRICARE, in violation of Title 42, United States Code, Section 1320a-7b(b)(2)(B).

C. PURPOSE OF THE CONSPIRACY:

5. It was a purpose of the conspiracy for the defendants and their co-conspirators to unlawfully enrich themselves by, among other things, (a) soliciting and receiving kickbacks in return for referring TRICARE beneficiaries to order and receive compounded medications from pharmacies; (b) offering and paying kickbacks to TRICARE beneficiaries and to patient recruiters

to induce TRICARE beneficiaries to order and receive compounded medications from pharmacies; (c) submitting and causing the submission of claims to TRICARE for compounded medications to those TRICARE beneficiaries; and (d) diverting proceeds of claims of the recruited and referred beneficiaries for their personal use, the use and benefit of others, and to further the conspiracy.

D. MANNER AND MEANS OF THE CONSPIRACY:

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

7. The defendants solicited kickbacks and received approximately \$1,754,518 in kickbacks from pharmacies involved in the conspiracy and the pharmacies' accomplices and co-conspirators, in exchange for recruiting and referring TRICARE beneficiaries to order and receive compounded medications from pharmacies, knowing that pharmacies would bill TRICARE for compounded medications purportedly dispensed to the recruited and referred TRICARE beneficiaries.

8. The defendants offered and paid kickbacks to patient recruiters in exchange for recruiting TRICARE beneficiaries who agreed to order and receive compounded medications from pharmacies involved in the conspiracy.

9. The defendants offered and paid kickbacks in the form of money and other remuneration directly to TRICARE beneficiaries, including paying beneficiaries to participate in sham patient surveys, to induce TRICARE beneficiaries to order and receive compounded medications from pharmacies involved in the conspiracy.

10. The defendants and their co-conspirators caused the submission of payment claims to TRICARE for compounded medications dispensed to the recruited TRICARE beneficiaries, causing TRICARE to pay the pharmacies approximately \$9 million.

E. OVERT ACTS:

In furtherance of the conspiracy, and to accomplish its objects and purpose, at least one of the co-conspirators committed and caused to be committed, in the Eastern District of Louisiana, and elsewhere, the following overt act, among others:

11. On or about April 6, 2015, in the Eastern District of Louisiana, Pharmacy 1 submitted claims for prescription numbers 102726 and 102727 for medications for a TRICARE beneficiary, whom **KIMBERLY HOMRIGHAUSEN** and **RICHARD HOMRIGHAUSEN**, by offering kickbacks, had induced to request said medications.

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

NOTICE OF HEALTH CARE FRAUD FORFEITURE

1. The allegations contained in Count 1 of this Bill of Information are hereby realleged and incorporated by reference for the purpose of alleging forfeiture to the United States pursuant to the provisions of Title 18, United States Code, Section 982(a)(7).

2. As a result of the offenses alleged in Count 1, defendants, **KIMBERLY HOMRIGHAUSEN** and **RICHARD HOMRIGHAUSEN**, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(7), any and all property, real and personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of the offense as a result of the violations of Title 18, United States Code, Section 371 and Title 42, United States Code, Section 1320a-7b, which is a Federal Health Care offense within the meaning of Title 18, United States Code, Section 24.

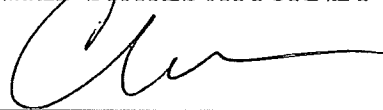
3. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred, sold to, or deposited with, a third person;
- 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 subdivided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b) to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property;

All in violation of Title 18, United States Code, Section 982(a)(7).

PETER G. STRASSER
UNITED STATES ATTORNEY



CHANDRA MENON
Assistant United States Attorney

New Orleans, Louisiana
January 22, 2019