

FILED

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

2020 FEB 19 PM 1:58
CLERK, U.S. DISTRICT COURT
MIDDLE DISTRICT FLORIDA
TAMPA, FLORIDA

UNITED STATES OF AMERICA

v.

CASE NO. *8:2020cr 86T3S TGW*
18 U.S.C. § 1035(a)(1)

RICHARD DE LA CRUZ

INFORMATION

The United States Attorney charges:

A. General Allegations

At all times material to this Information:

1. MD2U was a Louisville, Kentucky based company that acted as an in-home primary care network. The company provided ongoing care for homebound or home limited patients who needed primary medical care for chronic and acute illnesses in several states, including Florida.

2. RICHARD DE LA CRUZ was a physician licensed in the State of Florida. DE LA CRUZ was employed as a Florida collaborating-physician by MD2U.

B. Controlled Substances

3. The Controlled Substances Act (hereinafter "CSA") governed the manufacture, distribution, and dispensing of controlled substances in the United States, including narcotics prescribed by physicians. The CSA

established certain drugs and substances as “controlled substances,” which were assigned to one of five schedules, Schedules I, II, III, IV, or V, depending on the controlled substance’s potential for abuse, likelihood of physical or psychological dependency, and accepted medical use.

4. Schedule II controlled substances were drugs or other substances that had a high potential for abuse or severe physical or psychological dependence and are severely restricted for currently accepted medical use in treatment in the United States.

5. Hydromorphone, hydrocodone, methadone, oxycodone and fentanyl were the generic names for highly addictive prescription opioid medications and were Schedule II controlled substances.

6. The CSA authorized physicians who were licensed to practice medicine by a state authority and registered with the Drug Enforcement Administration (“DEA”) to write prescriptions for or otherwise dispense controlled substances. DE LA CRUZ held a DEA registration number to prescribe controlled substances.

7. Florida statute § 456.44 set forth the standards of practice governing controlled substance prescribing in Florida. Those standards included, among other professional responsibilities, that a physician prescribing controlled substances perform a complete medical history and

physical examination prior to beginning any controlled substance treatment and document that event in the medical record and conduct an in-person visit with the patient at regular intervals, not to exceed three months, to assess the efficacy of any controlled substance treatment, ensure that any controlled substance therapy remain indicated, evaluate the patient's progress toward treatment objectives, consider adverse drug effects, and review the etiology of the pain.

COUNT ONE

(False Statement Relating to Health Care Matters—18 U.S.C. § 1035)

8. On or about November 20, 2014, in the Middle District of Florida and elsewhere, the defendant,

RICHARD DE LA CRUZ,

knowingly and willfully falsified, concealed, and covered up by a trick, scheme, and device a material fact in connection with the delivery of and payment for health care benefits, items, and services, involving Medicare, a health care benefit program as defined in 18 U.S.C. § 24(b); namely, prescribing hydromorphone, a Schedule II controlled substance, not in the usual course of professional practice, to MD2U patient and Medicare beneficiary R.J., which prescription was submitted to Medicare for payment.

In violation of 18 U.S.C. §§ 1035(a)(1) and 2.

FORFEITURE

1. The allegations contained in Count One of this Information are incorporated by reference for the purpose of alleging forfeitures pursuant to 18 U.S.C. § 982(a)(7).

2. Upon conviction of a violation of 18 U.S.C. § 1035, the defendant, RICHARD DE LA CRUZ, shall forfeit to the United States, pursuant to 18 U.S.C. § 982(a)(7), all of his interest in any property constituting, or derived from, any proceeds the defendant obtained, directly or indirectly, as a result of such violation.

3. The property to be forfeited includes, but is not limited to, an order of forfeiture in the amount of \$42,450, which represents the amount of proceeds the defendant obtained as a result of the offenses charged in Count One.


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,
the United States of America shall be entitled to forfeiture of substitute
property pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. §
982(b)(1).


MARIA CHAPA LOPEZ
United States Attorney

By:



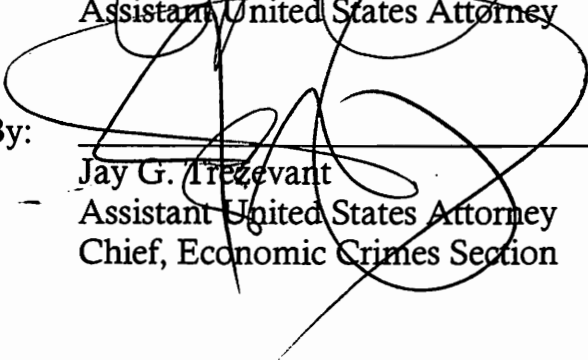
Gregory D. Pizzo
Assistant United States Attorney

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Kelley C. Howard-Allen
Assistant United States Attorney

By:



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Chief, Economic Crimes Section