

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	Criminal No. 15-
	:	
v.	:	Hon.
	:	
DANIEL GILMAN	:	18 U.S.C. § 371

INFORMATION
(Conspiracy to Pay Kickbacks)

The defendant having waived in open court prosecution by indictment, the United States Attorney for the District of New Jersey charges:

1. At all times relevant to this Information:
 - a. Defendant DANIEL GILMAN resided in Ocean Grove, New Jersey and was one of the principals of Promed Practice Consultants, LLC (“PROMED”), a marketing and sales company, specializing in the marketing and sales for, among other places, a blood testing laboratory company (hereinafter “COMPANY 1”) and a DNA laboratory testing company (hereinafter “COMPANY 2”).
 - b. The Medicare program was a federal program established by the Social Security Act of 1965 (codified as amended in various sections of Title 42, United States Code) to provide medical services, medical equipment and supplies to aged, blind and disabled individuals who qualify under the Social Security Act (hereinafter “beneficiaries”). The Medicare Part B program was a federally funded supplemental insurance program that provides supplementary Medicare insurance benefits for individuals aged sixty-five or older and certain individuals who are disabled. The Medicare Part B program paid for medical services, including diagnostic blood testing for beneficiaries. The Medicare Part B program also reimbursed certain testing facilities

for diagnostic tests, such as those associated with DNA screening to determine the human body's ability to metabolize medications. Medicare was a "Federal health care program" as defined in Title 42, United States Code, Section 1320a-7b(f) and a "health care benefit program" as defined in Title 18, United States Code, Section 24(b).

c. COMPANY 1 and COMPANY 2 were both Medicare approved providers of services.

d. Defendant DANIEL GILMAN as one of the principals of PROMED, routinely exerted direct control over various aspects of the operations of PROMED that are relevant to this Information.

e. Kenneth Robberson, a co-conspirator, was also a principal of PROMED, and among other things, recruited physicians to refer patient lab work to COMPANY 1 and COMPANY 2.

f. CC-1, a co-conspirator not named herein, was a physician with a medical practice in New Jersey who accepted cash bribes from defendant DANIEL GILMAN in exchange for referring patient lab work to COMPANY 1 and COMPANY 2.

2. From in and around March 2014 through in and around May 2015, in Ocean County, in the District of New Jersey and elsewhere, defendant

DANIEL GILMAN

did knowingly and intentionally conspire with others to commit offenses against the United States, that is:

a. to knowingly and willfully offer and pay remuneration, directly and indirectly, overtly and covertly, in cash and in kind, that is, kickbacks and bribes, to physicians in order to induce referrals of lab work for patients to COMPANY 1 and COMPANY 2 for the furnishing

and arranging for the furnishing of items and services, that is, the referral by physicians of patient lab work, for which payment was made in whole or in part under a Federal health care program, namely, Medicare, contrary to Title 42, United States Code, Section 1320a-7b(b)(2)(A).

Objects of the Conspiracy

1. It was an object of the conspiracy for defendant DANIEL GILMAN and Kenneth Robberson to obtain additional revenue for PROMED and in turn, for themselves and each other individually, by soliciting CC-1 and paying CC-1 cash bribes for referring patient lab work to either COMPANY 1 or COMPANY 2.

Manner and Means of the Conspiracy

2. It was a part of the conspiracy that defendant DANIEL GILMAN, as a principal of PROMED, received monthly commission checks from COMPANY 1 and COMPANY 2 for referrals, which were equal to ten percent of the reimbursements paid to COMPANY 1 and COMPANY 2 by various payors, including Medicare.

3. It was further part of the conspiracy that defendant DANIEL GILMAN and Kenneth Robberson solicited CC-1 by paying cash bribes of as much as thousands of dollars to CC-1 for referrals of CC-1's patients' lab work, including CC-1's Medicare patients' lab work, to be completed by COMPANY 1 and COMPANY 2.

4. It was further part of the conspiracy that defendant DANIEL GILMAN, after receiving the commission checks from COMPANY 1 and COMPANY 2, would identify the number of patients CC-1 referred to COMPANY 1 and COMPANY 2 and pay CC-1 a kickback for those patient referrals in cash.

Overt Acts

In furtherance of the conspiracy, and in order to effect the objects thereof, defendant DANIEL GILMAN and Kenneth Robberson committed or caused the commission of the following overt acts in the District of New Jersey and elsewhere:

5. On or about April 15, 2015, defendant DANIEL GILMAN, Kenneth Robberson and CC-1 met at CC-1's office, where defendant DANIEL GILMAN and Kenneth Robberson made a \$550 in cash kickback payment to CC-1 in return for CC-1's referral of patient lab work to COMPANY 1 and COMPANY 2.

6. On or about April 23, 2015, defendant DANIEL GILMAN, Kenneth Robberson and CC-1 met at CC-1's office, where defendant DANIEL GILMAN and Kenneth Robberson made a \$400 in cash kickback payment to CC-1 in return for CC-1's referral of patient lab work to COMPANY 1 and COMPANY 2.

7. On multiple dates between March 2014 to May 2015, defendant DANIEL GILMAN and Kenneth Robberson solicited CC-1 by paying approximately \$25,000 in cash bribes to CC-1 for referrals of CC-1's patients' lab work, including CC-1's Medicare patients' lab work, to be completed by COMPANY 1 and COMPANY 2.

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

FORFEITURE ALLEGATION

1. As the result of conspiring to commit one or more of the Federal health care offenses as defined in 18 U.S.C. § 24 alleged in this Information, defendant DANIEL GILMAN shall forfeit to the United States, pursuant to 18 U.S.C. § 982(a)(7), all property, real and personal, that constitutes or is derived, directly and indirectly, from gross proceeds traceable to the commission of the conspiracy to violate 42 U.S.C. § 1320a-7b(b)(1)(A), including but not limited to a forfeiture money judgment in the amount of \$25,000, representing all property constituting or derived from gross proceeds traceable to the said conspiracy offense.

Substitute Assets Provision

2. If any of the above-described forfeitable property, 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 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 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 982(b), to seek forfeiture of any other property of said defendant(s) up to the value of the above forfeitable property.


PAUL J. FISHMAN
United States Attorney

CASE NUMBER: _____

United States District Court
District of New Jersey

UNITED STATES OF AMERICA

v.

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INFORMATION FOR
18 U.S.C. §371

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