

care program, which provided payment for reasonable and medically necessary medical services for certain individuals, primarily the elderly, blind, and disabled.

f. Medicare was a “health care benefit program,” as defined by 18 U.S.C. § 24(b), that affected commerce. Medicare was also a “Federal health care program,” as defined by 42 U.S.C. § 1320a-7b(f).

The Conspiracy

2. From in or about August 2019 to in or about February 2020, in the District of New Jersey and elsewhere, defendant

MAGDALENA “MAGGIE” JIMENEZ

knowingly and intentionally conspired with Coconspirator-1, Coconspirator-2, and others to commit an offense against the United States, that is, to knowingly and willfully offer and pay remuneration, directly and indirectly, overtly and covertly, in cash and in kind, that is, kickbacks and bribes, in return for referrals of individuals to other persons for the furnishing and arranging for the furnishing of any items and services, and in return for ordering, and arranging for purchasing and ordering any good, facility, service, or item, namely, the referral of prescriptions for patients to the Pharmacy, located in Morris County, New Jersey, for which payment was made in whole or in part under a Federal health care program, namely Medicare and Medicaid, contrary to Title 42, United States Code, Section 1320a-7b(b)(2)(A).

Goal of the Conspiracy

3. The goal of the conspiracy was for JIMENEZ, Coconspirator-1, Coconspirator-2, and others to fraudulently obtain revenue for the Pharmacy by paying kickbacks and bribes to Individual-1, in exchange for Individual-1 sending or referring prescriptions for patients from Doctor-1's office to the Pharmacy.

Manner and Means of the Conspiracy

4. It was part of the conspiracy that:
- a. From in or about August 2019 to in or about February 2020, JIMENEZ, in agreement with Coconspirator-1 and Coconspirator-2, paid bribes and kickbacks to Individual-1 to induce Individual-1 to send prescriptions from Doctor-1's office to the Pharmacy.
 - b. At first, in agreement with Conspirator-1 and Conspirator-2, JIMENEZ offered to, and did, pay Individual-1 approximately \$100 for each prescription that Individual-1 sent to the Pharmacy.
 - c. Several months later, JIMENEZ, in agreement with Conspirator-1 and Conspirator-2, agreed to, and did, pay Individual-1 approximately \$150 for each prescription that Individual-1 sent to the Pharmacy.
 - d. When JIMENEZ discussed the kickbacks and bribes with Individual-1, JIMENEZ instructed Individual-1 to communicate in coded language.

JIMENEZ also discussed the need to be careful not to text about their kickback arrangement.

e. From the prescriptions that Individual-1 steered to the Pharmacy, the Pharmacy received reimbursement payments from Medicare of approximately \$539,000.

Overt Acts

5. In furtherance of the conspiracy, and to achieve its illegal objectives, JIMENEZ, Coconspirator-1, Coconspirator-2, and others committed, and caused to be committed, the following acts in the District of New Jersey and elsewhere:

a. On or about August 7, 2019, JIMENEZ paid Individual-1 approximately \$2,500 cash, which payment was a kickback and bribe.

b. On or about September 14, 2019, JIMENEZ paid Individual-1 approximately \$200 cash, which payment was a kickback and bribe.

c. On or about December 11, 2019, JIMENEZ paid Individual-1 approximately \$1,000 cash, which payment was a kickback and bribe.

d. On or about February 12, 2020, JIMENEZ paid Individual-1 approximately \$1,000 cash, which payment was a kickback and bribe.

In violation of Title 18, United States Code, Section 371.

FORFEITURE ALLEGATION

1. Upon conviction of the Federal health care offense, *see* 18 U.S.C. § 24, charged in this Information, the defendant shall forfeit to the United States, pursuant to 18 U.S.C. § 982(a)(7), all property, real or personal, that constituted or was derived, directly and indirectly, from gross proceeds traceable to the commission of the 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 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 shall be entitled, pursuant to 21 U.S.C. § 853(p) (as incorporated by 28 U.S.C. § 2461(c) and 18 U.S.C. § 982(b)), to forfeiture of any other property of the defendant up to the value of the above-described forfeitable property.



RACHAEL A. HONIG
Acting United States Attorney

CASE NUMBER: 21-

United States District Court
District of New Jersey

UNITED STATES OF AMERICA

v.

MAGDALENA “MAGGIE” JIMENEZ

INFORMATION FOR

18 U.S.C. § 371

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