

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. **16-20251**

18 U.S.C. § 1349
18 U.S.C. § 1347
18 U.S.C. § 1957
18 U.S.C. § 2
18 U.S.C. § 982(a)(7)

OR - COOKE / TORRES

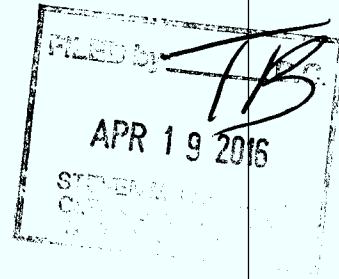
UNITED STATES OF AMERICA

vs.

RONALD DIAZ,
MERCEDES MAYA,
and
GLADYS CABRERA,

Defendants.

_____ /



INDICTMENT

The Grand Jury charges that:

GENERAL ALLEGATIONS

At all times relevant to this Indictment:

The Medicare Program

1. The Medicare Program ("Medicare") was a federal program that provided free or below-cost health care benefits to certain individuals, primarily the elderly, blind, and disabled. Medicare was administered by the Centers for Medicare and Medicaid Services ("CMS"), a federal agency under the United States Department of Health and Human Services ("HHS"). Individuals who received benefits under Medicare were commonly referred to as Medicare "beneficiaries."

2. The Medicare program was divided into different "parts." Part D of

Medicare subsidized the costs of prescription drugs for Medicare beneficiaries in the United States. It was enacted as 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 must be 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 Part D by entering a retail network agreement with one or more Pharmacy Benefit Managers (“PBMs”). Each 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 to the 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 upon 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 of a portion of those additional expenses.

7. Medicare and Medicare drug plan sponsors were health care benefit programs, as defined by Title 18, United States Code, Section 24(b).

Medicare Drug Plan Sponsors

8. United Healthcare Insurance Company ("United"), Coventry Health Plan of Florida Inc. ("Coventry"), Silverscript Insurance Company ("Silverscript"), Stonebridge Life Insurance Company ("Stonebridge"), Humana Insurance Company ("Humana"), Simply Healthcare Plans Inc. ("Simply"), Blue Cross Blue Shield of Florida ("BCBS"), Limited Income Net Program ("LINet), and Medco Containment Life Insurance Company ("Medco") were, among others, Medicare drug plan sponsors.

The Defendants and Related Entities

9. New Life Community Pharmacy Inc. ("New Life") was a Florida corporation, located at 3032 NW 7th Avenue, Miami, Florida. New Life was a pharmacy that purportedly provided prescription drugs to Medicare beneficiaries.

10. Richard's Pharmacy Discount Inc. ("Richard's") was a Florida corporation, located at 15315 S Dixie Highway, Palmetto Bay, Florida. Richard's was a pharmacy that purportedly provided prescription drugs to Medicare beneficiaries.

11. Solutions Drug Store ("Solutions"), doing business as La Botica Pharmacy, was a Florida corporation, located at 774B SW 1st Street, Miami, Florida. Solutions Drug Store was a pharmacy that purportedly provided prescription drugs to Medicare beneficiaries.

12. La Botica Pharmacy Inc. ("La Botica") was a Florida corporation, located at 10550 NW 77th Court, #109, Hialeah Gardens, Florida. La Botica was a pharmacy that

purportedly provided prescription drugs to Medicare beneficiaries.

13. La Botica Pharmacy Inc. No 02 ("La Botica 2") was a Florida corporation, located at 1159 W 29th Street, Hialeah, Florida. La Botica 2 was a pharmacy that purportedly provided prescription drugs to Medicare beneficiaries.

14. Total Pharmacy ("Total") was a Florida corporation, located at 920 Hialeah Drive, Hialeah, Florida. Total was a pharmacy that purportedly provided prescription drugs to Medicare beneficiaries.

15. La Roca Pharmacy Inc. ("La Roca") was a Florida corporation, located at 1665 W 68th Street, Bay 106, Hialeah, Florida. La Roca was a pharmacy that purportedly provided prescription drugs to Medicare beneficiaries.

16. M&P Pharmacy Inc. ("M&P") was a Florida corporation, located at 2570 W 84th Street, Hialeah, Florida. M&P was a pharmacy that purportedly provided prescription drugs to Medicare beneficiaries.

17. Defendant **RONALD DIAZ**, a resident of Miami-Dade County, was the true owner of New Life, Richard's, Solutions, La Botica, La Botica 2, Total, La Roca, and M&P from in or around May of 2013 to present.

18. Defendant **MERCEDES MAYA**, a resident of Miami-Dade County, was the president of New Life from on or about June 28, 2013, to on or about November 15, 2013.

19. Defendant **GLADYS CABRERA**, a resident of Miami-Dade County, was the director, president, secretary, and registered agent of La Roca from in or around April of 2014 to the present.

COUNT 1
Conspiracy to Commit Health Care Fraud and Wire Fraud
(18 U.S.C. § 1349)

1. Paragraphs 1 through 19 of the General Allegations section of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.

2. From in or around March of 2013, and continuing through in or around March of 2016, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

**RONALD DIAZ,
MERCEDES MAYA,
and
GLADYS CABRERA,**

did willfully, that is, with the intent to further the objects of the conspiracy, and knowingly combine, conspire, confederate and agree with each other, and others known and unknown to the Grand Jury, to commit offenses against the United States of America, that is:

a. to knowingly and willfully execute a scheme and artifice to defraud a health care benefit program affecting commerce, as defined in Title 18, United States Code, Section 24(b), that is, Medicare, United, Coventry, Silverscript, Stonebridge, Humana, Simply, BCBS, LINet, and Medco, 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 connection with the delivery of and payment for health care benefits, items, and services, in violation of Title 18, United States Code, Section 1347; and

b. to knowingly and with the intent to defraud, devise and intend to devise a scheme and artifice to defraud and for obtaining money and property by means of materially false and fraudulent pretenses, representations, and promises, knowing the pretenses, representations, and promises were false and fraudulent when made, and for the purpose of executing the scheme and artifice, did knowingly transmit and cause to be transmitted by means of wire communication in interstate commerce, certain writings, signs, signals, pictures and sounds, in violation of Title 18,

United States Code, Section 1343.

PURPOSE OF THE CONSPIRACY

3. It was the purpose of the conspiracy for the defendants and their co-conspirators to unlawfully enrich themselves by, among other things: (a) submitting and causing the submission of false and fraudulent claims to health care benefit programs; (b) concealing the submission of false and fraudulent claims to health care benefit programs; (c) concealing the receipt of the fraud proceeds; and (d) diverting the fraud proceeds for their personal use and benefit, and the use and benefit of others, and to further the fraud.

MANNER AND MEANS OF THE CONSPIRACY

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:

4. **RONALD DIAZ** submitted and caused the submission of claims, via interstate wires, which falsely and fraudulently represented that various health care benefits, primarily prescription drugs, were medically necessary, prescribed by a doctor, and had been provided by Richard's, Solutions, La Botica, La Botica 2, Total, and M&P to Medicare beneficiaries.

5. As a result of such false and fraudulent claims, Medicare prescription drug plan sponsors, through their PBMs, made payments funded by the Medicare Part D Program to Richard's, Solutions, La Botica, La Botica 2, Total, and M&P in the approximate amount of \$7,033,753.

6. **RONALD DIAZ** and **MERCEDES MAYA** submitted and caused the submission of claims, via interstate wires, which falsely and fraudulently represented that various

health care benefits, primarily prescription drugs, were medically necessary, prescribed by a doctor, and had been provided by New Life to Medicare beneficiaries.

7. As a result of such false and fraudulent claims, Medicare prescription drug plan sponsors, through their PBMs, made payments funded by the Medicare Part D Program to the corporate bank accounts of New Life in the approximate amount of \$2,457,010.

8. **RONALD DIAZ** and **GLADYS CABRERA** submitted and caused the submission of claims, via interstate wires, which falsely and fraudulently represented that various health care benefits, primarily prescription drugs, were medically necessary, prescribed by a doctor, and had been provided by La Roca to Medicare beneficiaries.

9. As a result of such false and fraudulent claims, Medicare prescription drug plan sponsors, through their PBMs, made payments funded by the Medicare Part D Program to La Roca in the approximate amount of \$933,523.

10. **RONALD DIAZ, MERCEDES MAYA, GLADYS CABRERA**, and others used the proceeds of the health care fraud for their personal use and benefit, and to further the fraud.

All in violation of Title 18, United States Code, Section 1349.

COUNTS 2-25
Health Care Fraud
(18 U.S.C. § 1347)

1. Paragraphs 1 through 19 of the General Allegations section of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.

2. From in or around March of 2013, and continuing through in or around March of 2016, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants as specified as to each count below, 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 in Title 18, United States Code, Section 24(b), that is, Medicare, United, Coventry, Silverscript, Stonebridge, Humana, Simply, BCBS, LINet and Medco, 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 a purpose of the scheme and artifice for the defendants and their accomplices to unlawfully enrich themselves 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 their personal use and benefit, and the use and benefit of others, and to further the fraud.

The Scheme and Artifice

The allegations contained in paragraphs 4 through 10 of the Manner and Means section of Count 1 of this Indictment are re-alleged and incorporated by reference as though fully set forth herein as a description of the scheme and artifice.

Acts in Execution or Attempted Execution of the Scheme and Artifice

On or about the dates specified as to each count below, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants as specified in each count below, 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, that is, Medicare, United,

Coventry, Silverscript, Stonebridge, Humana, Simply, BCBS, LINet and Medco, 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 defendants submitted and caused the submission of false and fraudulent claims seeking the identified dollar amounts, representing that the pharmacies provided pharmaceutical items and services to Medicare beneficiaries pursuant to physicians' orders and prescriptions as set forth below:

Count	Defendant(s)	Pharmacy	Bene.	Approx. Date of Service	PDE Claim Unique ID Number	Item Claimed; Approx. Amount Claimed	Medicare Drug Plan Sponsor
2	RONALD DIAZ and MERCEDES MAYA	New Life	J.M.	4/10/14	46787313452	Solaraze Gel 3% W/W; \$810	Silverscript
3	RONALD DIAZ and MERCEDES MAYA	New Life	A.M.	5/9/14	44143516409	Exelon Dis 9.5MG/24; \$345	Coventry
4	RONALD DIAZ and MERCEDES MAYA <i>C.M.</i>	Richard's	S.M.	6/3/14	39319348391	Voriconazol 200MG; \$1,625	Silverscript
5	RONALD DIAZ	Richard's	A.D.	6/11/14	45883651743	Voriconazol 200MG; \$1,625	United
6	RONALD DIAZ	New Life	R.A	6/12/14	39977424439	Calcipotrien Cre 0.005%; \$615	Stonebridge
7	RONALD DIAZ	New Life	M.W.	7/15/14	40788802076	Calcipotrien Cre 0.005%; \$601	Coventry
8	RONALD DIAZ	La Botica 2	A.H.	9/10/14	44716217234	Exelon Dis 9.5MG/24; \$348	Humana

Count	Defendant(s)	Pharmacy	Bene.	Approx. Date of Service	PDE Claim Unique ID Number	Item Claimed; Approx. Amount Claimed	Medicare Drug Plan Sponsor
9	RONALD DIAZ	La Botica	H.A.	9/16/14	42889004582	Megace ES Sus 625/5ML; \$777	Simply Healthcare
10	RONALD DIAZ	La Botica 2	F.T.	9/17/14	44421709164	Crestor Tab 10MG; \$222	Silverscript
11	RONALD DIAZ	La Botica 2	D.H.	9/19/14	52191370174	Vesicare Tab 10MG; \$222	Preferred Care Partners
12	RONALD DIAZ	La Botica	L.F.	10/6/14	46149932194	Abilify Tab 30MG; \$1,027	United
13	RONALD DIAZ	Total	M.V.	10/22/14	43425743133	Restasis Emu 0.05%; \$334	United
14	RONALD DIAZ	La Botica	M.G.	10/23/14	43091009493	Abilify Tab 30MG; \$1,127	BCBS
15	RONALD DIAZ	Total	P.R.	12/2/14	44122525173	Megace ES Sus 625/5ML; \$786	Simply Healthcare
16	RONALD DIAZ	Total	D.R.	12/19/14	44409984431	Megace ES Sus 625/5ML; \$766	LINet
17	RONALD DIAZ	Solutions	B.A.	1/22/15	44904090698	Seroquel XR 400 MG; \$1,286	Coventry
18	RONALD DIAZ	Solutions	A.D.	1/25/15	44989893854	Abilify 20MG; \$1,269	Medco
19	RONALD DIAZ and GLADYS CABRERA	La Roca	E.S.	4/27/15	47859736804	Seroquel XR 300 MG; \$601	Medco
20	RONALD DIAZ and GLADYS CABRERA	La Roca	M.A.	5/4/15	47591373585	Namenda Tab 10MG; \$173	Medco

Count	Defendant(s)	Pharmacy	Bene.	Approx. Date of Service	PDE Claim Unique ID Number	Item Claimed; Approx. Amount Claimed	Medicare Drug Plan Sponsor
21	RONALD DIAZ	Solutions	J.B.	5/28/15	47352832392	Budesonide Cap 3MG/24HR; \$1,273	BCBS
22	RONALD DIAZ and GLADYS CABRERA	La Roca	A.D.	7/7/15	50146568411	Sensipar Tab 60MG; \$1,204	Medco
23	RONALD DIAZ	M&P	M.A.	9/23/15	49608466998	Voriconazol Tab 200MG; \$620	Medco
24	RONALD DIAZ	M&P	J.G.	10/2/15	49997389401	Advair Disku AER 100/50; \$255	BCBS
25	RONALD DIAZ	M&P	F.J.L.	10/9/15	49977324054	Namenda Tab 5MG; \$407	LINet

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

COUNT 26
Money Laundering
(18 U.S.C. § 1957)

On or about the date set forth below, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

RONALD DIAZ,

did knowingly engage and attempt to engage in a monetary transaction by, through, and to a financial institution affecting interstate and foreign commerce, involving criminally derived property of a value greater than \$10,000, and such property having been derived from a specified unlawful activity, knowing that the property involved in the monetary transactions was derived

from specified unlawful activity, as more specifically described below:

Approximate Date	Financial Institution Involved	Approximate Value of Monetary Transaction Exceeding \$10,000
December 9, 2013	Transfer to HD Smith LLC from JP Morgan Chase account# 212106039	\$10,948

It is further alleged that the specified unlawful activity is health care fraud in violation of Title 18, United States Code, Section 1347.

In violation of Title 18, United States Code, Sections 1957 and 2.

FORFEITURE
(18 U.S.C. § 982(2)(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 America of certain property in which the defendants, **RONALD DIAZ, MERCEDES MAYA, and GLADYS CABRERA**, have an interest.

2. Upon conviction of any violation of Title 18, United States Code, Sections 1347 or 1349, as alleged in Counts 1 through 25 of this Indictment, the defendants shall forfeit to the United States all of their respective right, title, and interest in any property, real or personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of such violation, pursuant to Title 18, United States Code, Section 982(a)(7).

3. Upon conviction of the violation of Title 18, United States Code, Section 1957, as alleged in Count 25 of this Indictment, the defendant, **RONALD DIAZ**, shall forfeit to the United States all of his respective right, title, and interest in any property, real or personal, involved in such offense, or any property traceable to such property, pursuant to Title 18, United States Code, Section 982(a)(1).

4. The property subject to forfeiture includes, but is not limited to the sum of \$10,428,019 in United States currency, which amount is equal to the gross proceeds traceable to the commission of the violations alleged in this Indictment, which the United States will seek as a forfeiture money judgment as part of the defendants' sentence.

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

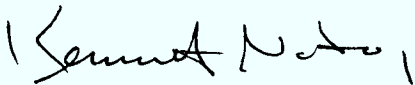
- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property and, in addition, to seek a court order requiring the defendants to return any such property to the jurisdiction of the court for seizure and forfeiture.

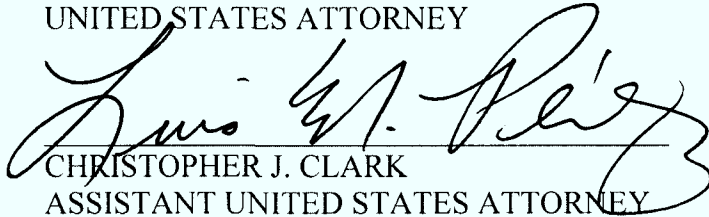
All pursuant to Title 18, United States Code, Sections 982(a)(1) and 982(a)(7); and the procedures set forth at Title 21, United States Code, Section 853, as made applicable by Title 18, United States Code, Section 982(b)(1).

A TRUE BILL

FOREPERSON



WIFREDO A. FERRER
UNITED STATES ATTORNEY



CHRISTOPHER J. CLARK
ASSISTANT UNITED STATES ATTORNEY

UNITED STATES OF AMERICA

CASE NO. _____

vs.

CERTIFICATE OF TRIAL ATTORNEY*

RONALD DIAZ, et al.,

Defendants.

Superseding Case Information:

Court Division: (Select One)

New Defendant(s) Yes _____ No _____
Number of New Defendants _____
Total number of counts _____

X Miami _____ Key West _____
 FTL _____ WPB _____ FTP _____

I do hereby certify that:

- 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.
- 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.
- Interpreter: (Yes or No) YES
List language and/or dialect Spanish
- This case will take 5 days for the parties to try.
- 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 _____
II 6 to 10 days _____	Minor _____
III 11 to 20 days _____	Misdem. _____
IV 21 to 60 days _____	Felony <u> X </u>
V 61 days and over _____	

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 X No

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 X No

Christopher J. Clark
ASSISTANT UNITED STATES ATTORNEY

*Penalty Sheet(s) attached

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

PENALTY SHEET

Defendant's Name: RONALD DIAZ

Case No: _____

Count #: 1

Conspiracy to Commit Health Care Fraud and Wire Fraud

Title 18, United States Code, Section 1349

***Max. Penalty:** Twenty (20) years' Imprisonment

Counts #: 2-25

Health Care Fraud

Title 18, United States Code, Section 1347

***Max. Penalty:** Ten (10) years Imprisonment as to each count

Count #: 26

Money Laundering

Title 18, United States Code, Section 1957

***Max. Penalty:** Twenty (20) years' Imprisonment

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

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

PENALTY SHEET

Defendant's Name: MERCEDES MAYA

Case No: _____

Count #: 1

Conspiracy to Commit Health Care Fraud and Wire Fraud

Title 18, United States Code, Section 1349

***Max. Penalty:** Twenty (20) years' Imprisonment

Counts #: 2-4

Health Care Fraud

Title 18, United States Code, Section 1347

***Max. Penalty:** Ten (10) years Imprisonment as to each count

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.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: GLADYS CABRERA

Case No: _____

Count #: 1

Conspiracy to Commit Health Care Fraud and Wire Fraud

Title 18, United States Code, Section 1349

***Max. Penalty:** Twenty (20) years' Imprisonment

Counts #: 19-20, 22

Health Care Fraud

Title 18, United States Code, Section 1347

***Max. Penalty:** Ten (10) years Imprisonment as to each count

Count #:

***Max. Penalty:** _____

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. **16-20251**

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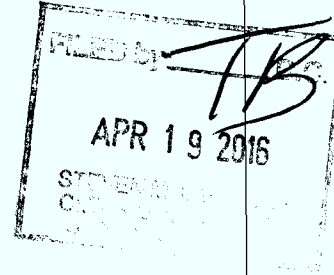
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14. Total Pharmacy (“Total”) was a Florida corporation, located at 920 Hialeah Drive, Hialeah, Florida. Total was a pharmacy that purportedly provided prescription drugs to Medicare beneficiaries.

15. La Roca Pharmacy Inc. (“La Roca”) was a Florida corporation, located at 1665 W 68th Street, Bay 106, Hialeah, Florida. La Roca was a pharmacy that purportedly provided prescription drugs to Medicare beneficiaries.

16. M&P Pharmacy Inc. (“M&P”) was a Florida corporation, located at 2570 W 84th Street, Hialeah, Florida. M&P was a pharmacy that purportedly provided prescription drugs to Medicare beneficiaries.

17. Defendant **RONALD DIAZ**, a resident of Miami-Dade County, was the true owner of New Life, Richard’s, Solutions, La Botica, La Botica 2, Total, La Roca, and M&P from in or around May of 2013 to present.

18. Defendant **MERCEDES MAYA**, a resident of Miami-Dade County, was the president of New Life from on or about June 28, 2013, to on or about November 15, 2013.

19. Defendant **GLADYS CABRERA**, a resident of Miami-Dade County, was the director, president, secretary, and registered agent of La Roca from in or around April of 2014 to the present.

COUNT 1
Conspiracy to Commit Health Care Fraud and Wire Fraud
(18 U.S.C. § 1349)

1. Paragraphs 1 through 19 of the General Allegations section of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.

2. From in or around March of 2013, and continuing through in or around March of 2016, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

**RONALD DIAZ,
MERCEDES MAYA,
and
GLADYS CABRERA,**

did willfully, that is, with the intent to further the objects of the conspiracy, and knowingly combine, conspire, confederate and agree with each other, and others known and unknown to the Grand Jury, to commit offenses against the United States of America, that is:

a. to knowingly and willfully execute a scheme and artifice to defraud a health care benefit program affecting commerce, as defined in Title 18, United States Code, Section 24(b), that is, Medicare, United, Coventry, Silverscript, Stonebridge, Humana, Simply, BCBS, LINet, and Medco, 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 connection with the delivery of and payment for health care benefits, items, and services, in violation of Title 18, United States Code, Section 1347; and

b. to knowingly and with the intent to defraud, devise and intend to devise a scheme and artifice to defraud and for obtaining money and property by means of materially false and fraudulent pretenses, representations, and promises, knowing the pretenses, representations, and promises were false and fraudulent when made, and for the purpose of executing the scheme and artifice, did knowingly transmit and cause to be transmitted by means of wire communication in interstate commerce, certain writings, signs, signals, pictures and sounds, in violation of Title 18,

United States Code, Section 1343.

PURPOSE OF THE CONSPIRACY

3. It was the purpose of the conspiracy for the defendants and their co-conspirators to unlawfully enrich themselves by, among other things: (a) submitting and causing the submission of false and fraudulent claims to health care benefit programs; (b) concealing the submission of false and fraudulent claims to health care benefit programs; (c) concealing the receipt of the fraud proceeds; and (d) diverting the fraud proceeds for their personal use and benefit, and the use and benefit of others, and to further the fraud.

MANNER AND MEANS OF THE CONSPIRACY

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:

4. **RONALD DIAZ** submitted and caused the submission of claims, via interstate wires, which falsely and fraudulently represented that various health care benefits, primarily prescription drugs, were medically necessary, prescribed by a doctor, and had been provided by Richard's, Solutions, La Botica, La Botica 2, Total, and M&P to Medicare beneficiaries.

5. As a result of such false and fraudulent claims, Medicare prescription drug plan sponsors, through their PBMs, made payments funded by the Medicare Part D Program to Richard's, Solutions, La Botica, La Botica 2, Total, and M&P in the approximate amount of \$7,033,753.

6. **RONALD DIAZ** and **MERCEDES MAYA** submitted and caused the submission of claims, via interstate wires, which falsely and fraudulently represented that various

health care benefits, primarily prescription drugs, were medically necessary, prescribed by a doctor, and had been provided by New Life to Medicare beneficiaries.

7. As a result of such false and fraudulent claims, Medicare prescription drug plan sponsors, through their PBMs, made payments funded by the Medicare Part D Program to the corporate bank accounts of New Life in the approximate amount of \$2,457,010.

8. **RONALD DIAZ** and **GLADYS CABRERA** submitted and caused the submission of claims, via interstate wires, which falsely and fraudulently represented that various health care benefits, primarily prescription drugs, were medically necessary, prescribed by a doctor, and had been provided by La Roca to Medicare beneficiaries.

9. As a result of such false and fraudulent claims, Medicare prescription drug plan sponsors, through their PBMs, made payments funded by the Medicare Part D Program to La Roca in the approximate amount of \$933,523.

10. **RONALD DIAZ, MERCEDES MAYA, GLADYS CABRERA,** and others used the proceeds of the health care fraud for their personal use and benefit, and to further the fraud.

All in violation of Title 18, United States Code, Section 1349.

COUNTS 2-25
Health Care Fraud
(18 U.S.C. § 1347)

1. Paragraphs 1 through 19 of the General Allegations section of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.

2. From in or around March of 2013, and continuing through in or around March of 2016, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants as specified as to each count below, 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 in Title 18, United States Code, Section 24(b), that is, Medicare, United, Coventry, Silverscript, Stonebridge, Humana, Simply, BCBS, LINet and Medco, 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 a purpose of the scheme and artifice for the defendants and their accomplices to unlawfully enrich themselves 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 their personal use and benefit, and the use and benefit of others, and to further the fraud.

The Scheme and Artifice

The allegations contained in paragraphs 4 through 10 of the Manner and Means section of Count 1 of this Indictment are re-alleged and incorporated by reference as though fully set forth herein as a description of the scheme and artifice.

Acts in Execution or Attempted Execution of the Scheme and Artifice

On or about the dates specified as to each count below, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants as specified in each count below, 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, that is, Medicare, United,

Coventry, Silverscript, Stonebridge, Humana, Simply, BCBS, LINet and Medco, 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 defendants submitted and caused the submission of false and fraudulent claims seeking the identified dollar amounts, representing that the pharmacies provided pharmaceutical items and services to Medicare beneficiaries pursuant to physicians' orders and prescriptions as set forth below:

Count	Defendant(s)	Pharmacy	Bene.	Approx. Date of Service	PDE Claim Unique ID Number	Item Claimed; Approx. Amount Claimed	Medicare Drug Plan Sponsor
2	RONALD DIAZ and MERCEDES MAYA	New Life	J.M.	4/10/14	46787313452	Solaraze Gel 3% W/W; \$810	Silverscript
3	RONALD DIAZ and MERCEDES MAYA	New Life	A.M.	5/9/14	44143516409	Exelon Dis 9.5MG/24; \$345	Coventry
4	RONALD DIAZ and MERCEDES MAYA <i>C.M.</i>	Richard's	S.M.	6/3/14	39319348391	Voriconazol 200MG; \$1,625	Silverscript
5	RONALD DIAZ	Richard's	A.D.	6/11/14	45883651743	Voriconazol 200MG; \$1,625	United
6	RONALD DIAZ	New Life	R.A	6/12/14	39977424439	Calcipotrien Cre 0.005%; \$615	Stonebridge
7	RONALD DIAZ	New Life	M.W.	7/15/14	40788802076	Calcipotrien Cre 0.005%; \$601	Coventry
8	RONALD DIAZ	La Botica 2	A.H.	9/10/14	44716217234	Exelon Dis 9.5MG/24; \$348	Humana

Count	Defendant(s)	Pharmacy	Bene.	Approx. Date of Service	PDE Claim Unique ID Number	Item Claimed; Approx. Amount Claimed	Medicare Drug Plan Sponsor
9	RONALD DIAZ	La Botica	H.A.	9/16/14	42889004582	Megace ES Sus 625/5ML; \$777	Simply Healthcare
10	RONALD DIAZ	La Botica 2	F.T.	9/17/14	44421709164	Crestor Tab 10MG; \$222	Silverscript
11	RONALD DIAZ	La Botica 2	D.H.	9/19/14	52191370174	Vesicare Tab 10MG; \$222	Preferred Care Partners
12	RONALD DIAZ	La Botica	L.F.	10/6/14	46149932194	Abilify Tab 30MG; \$1,027	United
13	RONALD DIAZ	Total	M.V.	10/22/14	43425743133	Restasis Emu 0.05%; \$334	United
14	RONALD DIAZ	La Botica	M.G.	10/23/14	43091009493	Abilify Tab 30MG; \$1,127	BCBS
15	RONALD DIAZ	Total	P.R.	12/2/14	44122525173	Megace ES Sus 625/5ML; \$786	Simply Healthcare
16	RONALD DIAZ	Total	D.R.	12/19/14	44409984431	Megace ES Sus 625/5ML; \$766	LINet
17	RONALD DIAZ	Solutions	B.A.	1/22/15	44904090698	Seroquel XR 400 MG; \$1,286	Coventry
18	RONALD DIAZ	Solutions	A.D.	1/25/15	44989893854	Abilify 20MG; \$1,269	Medco
19	RONALD DIAZ and GLADYS CABRERA	La Roca	E.S.	4/27/15	47859736804	Seroquel XR 300 MG; \$601	Medco
20	RONALD DIAZ and GLADYS CABRERA	La Roca	M.A.	5/4/15	47591373585	Namenda Tab 10MG; \$173	Medco

Count	Defendant(s)	Pharmacy	Bene.	Approx. Date of Service	PDE Claim Unique ID Number	Item Claimed; Approx. Amount Claimed	Medicare Drug Plan Sponsor
21	RONALD DIAZ	Solutions	J.B.	5/28/15	47352832392	Budesonide Cap 3MG/24HR; \$1,273	BCBS
22	RONALD DIAZ and GLADYS CABRERA	La Roca	A.D.	7/7/15	50146568411	Sensipar Tab 60MG; \$1,204	Medco
23	RONALD DIAZ	M&P	M.A.	9/23/15	49608466998	Voriconazol Tab 200MG; \$620	Medco
24	RONALD DIAZ	M&P	J.G.	10/2/15	49997389401	Advair Disku AER 100/50; \$255	BCBS
25	RONALD DIAZ	M&P	F.J.L.	10/9/15	49977324054	Namenda Tab 5MG; \$407	LINet

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

COUNT 26
Money Laundering
(18 U.S.C. § 1957)

On or about the date set forth below, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

RONALD DIAZ,

did knowingly engage and attempt to engage in a monetary transaction by, through, and to a financial institution affecting interstate and foreign commerce, involving criminally derived property of a value greater than \$10,000, and such property having been derived from a specified unlawful activity, knowing that the property involved in the monetary transactions was derived

from specified unlawful activity, as more specifically described below:

Approximate Date	Financial Institution Involved	Approximate Value of Monetary Transaction Exceeding \$10,000
December 9, 2013	Transfer to HD Smith LLC from JP Morgan Chase account# 212106039	\$10,948

It is further alleged that the specified unlawful activity is health care fraud in violation of Title 18, United States Code, Section 1347.

In violation of Title 18, United States Code, Sections 1957 and 2.

FORFEITURE
(18 U.S.C. § 982(2)(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 America of certain property in which the defendants, **RONALD DIAZ, MERCEDES MAYA, and GLADYS CABRERA**, have an interest.

2. Upon conviction of any violation of Title 18, United States Code, Sections 1347 or 1349, as alleged in Counts 1 through 25 of this Indictment, the defendants shall forfeit to the United States all of their respective right, title, and interest in any property, real or personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of such violation, pursuant to Title 18, United States Code, Section 982(a)(7).

3. Upon conviction of the violation of Title 18, United States Code, Section 1957, as alleged in Count 25 of this Indictment, the defendant, **RONALD DIAZ**, shall forfeit to the United States all of his respective right, title, and interest in any property, real or personal, involved in such offense, or any property traceable to such property, pursuant to Title 18, United States Code, Section 982(a)(1).

4. The property subject to forfeiture includes, but is not limited to the sum of \$10,428,019 in United States currency, which amount is equal to the gross proceeds traceable to the commission of the violations alleged in this Indictment, which the United States will seek as a forfeiture money judgment as part of the defendants' sentence.

5. If 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 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 subdivided

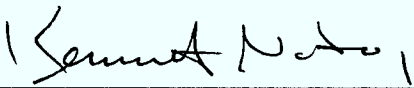
it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property and, in addition, to seek a court order requiring the defendants to return any such property to the jurisdiction of the court for seizure and forfeiture.

All pursuant to Title 18, United States Code, Sections 982(a)(1) and 982(a)(7); and the procedures set forth at Title 21, United States Code, Section 853, as made applicable by Title 18, United States Code, Section 982(b)(1).

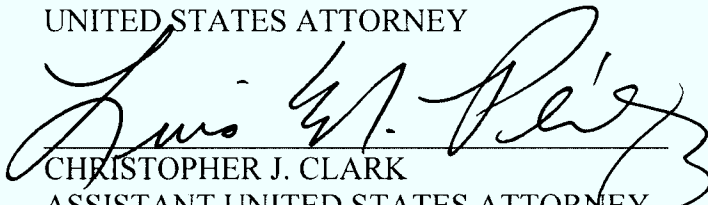
A TRUE BILL



FOREPERSON



WIFREDO A. FERRER
UNITED STATES ATTORNEY



CHRISTOPHER J. CLARK
ASSISTANT UNITED STATES ATTORNEY

UNITED STATES OF AMERICA

CASE NO. _____

vs.

CERTIFICATE OF TRIAL ATTORNEY*

RONALD DIAZ, et al.,

Defendants.

Superseding Case Information:

Court Division: (Select One)

New Defendant(s) Yes _____ No _____
Number of New Defendants _____
Total number of counts _____

X Miami _____ Key West _____
 FTL _____ WPB _____ FTP _____

I do hereby certify that:

- 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.
- 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.
- Interpreter: (Yes or No) YES
List language and/or dialect Spanish
- This case will take 5 days for the parties to try.
- 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 _____
II 6 to 10 days _____	Minor _____
III 11 to 20 days _____	Misdem. _____
IV 21 to 60 days _____	Felony <u> X </u>
V 61 days and over _____	

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 X No

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 X No



Christopher J. Clark
ASSISTANT UNITED STATES ATTORNEY

*Penalty Sheet(s) attached

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: RONALD DIAZ

Case No: _____

Count #: 1

Conspiracy to Commit Health Care Fraud and Wire Fraud

Title 18, United States Code, Section 1349

***Max. Penalty:** Twenty (20) years' Imprisonment

Counts #: 2-25

Health Care Fraud

Title 18, United States Code, Section 1347

***Max. Penalty:** Ten (10) years Imprisonment as to each count

Count #: 26

Money Laundering

Title 18, United States Code, Section 1957

***Max. Penalty:** Twenty (20) years' Imprisonment

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

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

PENALTY SHEET

Defendant's Name: MERCEDES MAYA

Case No: _____

Count #: 1

Conspiracy to Commit Health Care Fraud and Wire Fraud

Title 18, United States Code, Section 1349

***Max. Penalty:** Twenty (20) years' Imprisonment

Counts #: 2-4

Health Care Fraud

Title 18, United States Code, Section 1347

***Max. Penalty:** Ten (10) years Imprisonment as to each count

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.**

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

PENALTY SHEET

Defendant's Name: GLADYS CABRERA

Case No: _____

Count #: 1

Conspiracy to Commit Health Care Fraud and Wire Fraud

Title 18, United States Code, Section 1349

***Max. Penalty:** Twenty (20) years' Imprisonment

Counts #: 19-20, 22

Health Care Fraud

Title 18, United States Code, Section 1347

***Max. Penalty:** Ten (10) years Imprisonment as to each count

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.**