

FILED

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

13 JUL 31 PM 3:54  
2015 JUL 31 PM 3:54  
MIDDLE DISTRICT OF FLORIDA  
TAMPA, FLORIDA

UNITED STATES OF AMERICA

v.

CASE NO. 8:13-cr-372 TRM

UBERT GUILLERMO RODRIGUEZ  
a/k/a Ubert Guillermo Rodriguez Sigler

18 U.S.C. § 1347  
18 U.S.C. § 982 (forfeiture)

SEALED

INDICTMENT

The Grand Jury charges:

Introduction

At all times relevant to this Indictment:

**A. The Medicare Program**

1. The Medicare Program ("Medicare") was a federal "health care benefit program," as defined by Title 18, United States Code, Section 24(b), that provided medical benefits, items and services (collectively "services") to persons age 65 and older or with certain disabilities (hereinafter "beneficiaries").

2. Part B of the Medicare Program was a medical insurance program that covered, among other things, certain physician and outpatient services, and other health care benefits, items and services, including durable medical equipment ("DME"), that were medically necessary and ordered by licensed

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medical doctors or other qualified health care providers. DME is equipment that is designed for repeated use and for a medical purpose, such as wound care supplies.

3. In Florida, Medicare Part B's insurance concerning DME and related health care benefits, items, and services was administered by CGS Administrators, LLC (hereinafter "CGS"), pursuant to a contract with HHS. Among CGS' responsibilities, it received, adjudicated, and paid the claims of authorized DME suppliers that were seeking reimbursement for the cost of DME and other health care benefits, items, or services supplied or provided to Medicare beneficiaries.

**B. Medicare Billing Procedures**

4. A DME company that sought to participate in Medicare Part B and bill Medicare for the cost of DME and related benefits, items, and services was required to apply for and receive a "supplier number." The supplier number allowed a DME company to submit bills, known as "claims," to Medicare to obtain reimbursement for the cost of DME and related health care benefits, items, and services that a DME company had supplied to beneficiaries.

5. To receive payment from Medicare, a DME company, using its supplier number, would submit a health insurance claim form, known as a CMS-1500. Medicare permitted DME companies, or a designated third-party biller, to submit a CMS-1500 electronically or by way of a paper claim form. The CMS-1500 required DME companies to provide certain important information,

including: (a) the Medicare beneficiary's name and identification number; (b) the identification number of the doctor or other qualified health care provider who ordered the health care benefit, item, or service that was the subject of the claim; (c) the health care benefit, item, or service that was provided or supplied to the beneficiary; (d) the billing codes for the benefit, item, or service; and (e) the date upon which the benefit, item, or service was provided or supplied to the beneficiary.

6. Medicare, through CGS, generally would pay a substantial portion of the cost of the DME or related health care benefits, items, and services that were medically necessary and ordered by licensed doctors or other licensed, qualified health care providers.

7. Payments under Medicare Part B were often made directly to the DME company rather than to the patient/beneficiary. For this to occur, the beneficiary would assign the right of payment to the DME company or other health care provider. Once such an assignment took place, the DME company would assume the responsibility for submitting claims to, and receiving payments from, Medicare.

8. If the DME company's Medicare claim was approved, a substantial portion of the total amount of the claim was paid either by check or by wire transfer to an account designated by the DME company.

9. Under Medicare rules and regulations, DME or other related health care benefits, items, or other services must be medically necessary and ordered

by a licensed doctor or other licensed, qualified health care provider in order to be reimbursed by Medicare.

**C. G.R. Services Equipment & Supplies, Inc.**

10. G.R. Services Equipment & Supplies, Inc. (hereinafter "G.R. Services") was a Florida corporation incorporated on or about August 3, 2011, that was located in Pinellas County purportedly providing DME to Medicare beneficiaries. G.R. Services' place of business was located at 7850 Ulmerton Road, Suite 1A, Largo, Florida 33771.

11. Defendant UBERT GUILLERMO RODRIGUEZ incorporated G.R. Services and on corporate documents listed himself as its President, Director, and Registered Agent.

12. G.R. Services' Medicare enrollment application which was submitted to Medicare identified UBERT GUILLERMO RODRIGUEZ as G.R. Services' owner, director, managing employee, and president.

13. UBERT GUILLERMO RODRIGUEZ established and had sole signatory authority on G.R. Services' business bank account, PNC Bank account number ending 5588.

**COUNTS ONE through FOURTEEN**  
**(Health Care Fraud)**  
**(18 U.S.C. § 1347)**

1. Paragraphs 1 through 13 of the Introduction section of this Indictment are realleged and incorporated by reference as though fully set forth herein.

2. Beginning in or around August 2011 and continuing through in or around July 2013, in the Middle District of Florida, and elsewhere, the defendant, **UBERT GUILLERMO RODRIGUEZ**, 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 Medicare, a health care benefit program affecting commerce, as defined by Title 18, United States Code, Section 24(b), 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, Medicare, that is, the defendant, through G.R. Services, caused the submission of false and fraudulent claims to Medicare, seeking reimbursement for the cost of various DME items and services.

**Purpose of the Scheme and Artifice**

3. It was a purpose of the scheme and artifice for the defendant to unlawfully enrich himself and others by, among other things (a) submitting and causing the submission of false and fraudulent claims to Medicare; (b) concealing the submission of false and fraudulent claims to Medicare; and (c) diverting fraud proceeds for the personal use and benefit of himself and others.

**Manner and Means of the Scheme and Artifice**

The manner and means by which the defendant sought to accomplish the purpose of the scheme and artifice included, among others, the following:

4. UBERT GUILLERMO RODRIGUEZ obtained and maintained control of G.R. Services by incorporating G.R. Services with the State of Florida, Division of Corporations, registering himself as the President, Director, and Registered Agent of G.R. Services, identifying himself as the owner, director, managing employee, and president of G.R. Services in G.R. Services' enrollment application submitted to Medicare, and establishing and retaining sole signatory authority on G.R. Services' business bank account with PNC Bank, account number ending 5588.

5. UBERT GUILLERMO RODRIGUEZ caused G.R. Services to submit approximately \$2,579,695 in Medicare claims for DME-related reimbursement, such claims falsely and fraudulently representing that DME items and services were prescribed by a doctor and had been provided to Medicare beneficiaries.

6. As a result of such false and fraudulent claims, UBERT GUILLERMO RODRIGUEZ caused Medicare to make payments to G.R. Services in the approximate amount of \$918,402 and to be deposited into G.R. Services' business bank account, PNC Bank account number ending 5588.

7. UBERT GUILLERMO RODRIGUEZ transferred and disbursed, and caused the transfer and disbursement of monies in G.R. Services' business bank account to himself and others.

**Acts in Execution or Attempted Execution of the Scheme and Artifice**

8. On or about the dates set forth as to each count below, in the Middle District of Florida, and elsewhere, UBERT GUILLERMO RODRIGUEZ, 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, 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 program, in that he submitted and caused the submission of false and fraudulent Medicare claims seeking reimbursement for the cost of DME that was not prescribed by doctors or provided to Medicare beneficiaries as claimed:

Count	Medicare Beneficiary	Medicare Claim Number	Purported Date of Service	Product Code; Item Claimed; Approximate Amount Claimed
One	S.W.	13133812489000	04/11/2013	A6010; Collagen Based Wound Filler, Dry Form, Sterile, Per Gram of Collagen; \$3,227
Two	S.W.	13157757076000	05/24/2013	A6010; Collagen Based Wound Filler, Dry Form, Sterile, Per Gram of Collagen; \$3,227

Count	Medicare Beneficiary	Medicare Claim Number	Purported Date of Service	Product Code; Item Claimed; Approximate Amount Claimed
Three	M.D.	13168827206000	06/13/2013	A6023; Collagen Dressing, Sterile, Size More Than 48 Sq. In., Each; \$2,877
Four	M.D.	13197737462000	07/13/2013	A6023; Collagen Dressing, Sterile, Size More Than 48 Sq. In., Each; \$2,877
Five	C.C.	13164751793000	05/29/2013	E2402; Negative Pressure Wound Therapy Electrical Pump; \$1,717
Six	C.C.	13191712023000	06/29/2013	E2402; Negative Pressure Wound Therapy Electrical Pump; \$1,717
Seven	A.D.	13154785329000	05/22/2013	A4351; Intermittent Urinary Catheter; Straight Tip, With Or Without Coating; \$544
Eight	A.D.	13189808580000	06/22/2013	E2402; Negative Pressure Wound Therapy Electrical Pump; \$1,717



Count	Medicare Beneficiary	Medicare Claim Number	Purported Date of Service	Product Code; Item Claimed; Approximate Amount Claimed
Nine	D.D.	13154785330000	05/22/2013	A6233; Gauze, Impregnated, Hydrogel, For Direct Wound Contact, Sterile, Pad Size More Than 48 Sq. In., Each; \$2,176
Ten	D.D.	13177715490000	06/22/2013	A6233; Gauze, Impregnated, Hydrogel, For Direct Wound Contact, Sterile, Pad Size More Than 48 Sq. In., Each; \$2,176
Eleven	C.R.	13162701911000	05/25/2013	A6023; Collagen Dressing, Sterile, Size More Than 48 Sq. In., Each; \$2,877
Twelve	C.R.	13191712020000	06/25/2013	A6023; Collagen Dressing, Sterile, Size More Than 48 Sq. In., Each; \$2,877

Count	Medicare Beneficiary	Medicare Claim Number	Purported Date of Service	Product Code; Item Claimed; Approximate Amount Claimed
Thirteen	G.W.	13157757075000	05/24/2013	E2402; Negative Pressure Wound Therapy Electrical Pump; \$1,717
Fourteen	G.W.	13177715544000	06/24/2013	E2402; Negative Pressure Wound Therapy Electrical Pump; \$1,717

In violation of Title 18, United States Code, Section 1347.

**FORFEITURE**

1. The allegations contained above are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 982.

2. Upon conviction of any or all of the offenses alleged in Counts One through Fourteen of this Indictment, the defendant, UBERT GUILLERMO RODRIGUEZ, shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 982(a)(7), any property, real or personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of the offense.

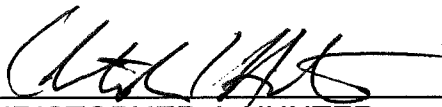
3. The property to be forfeited includes, but is not limited to:
  - a. a forfeiture money judgment of at least \$918,402; and
  - b. the contents of PNC Bank account number 1208495588, held in the name of G.R. Services Equipment & Supplies, Inc.
4. If any of the property described above, as a result 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,

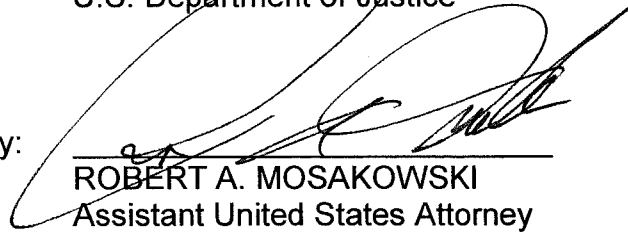
the United States of America shall be entitled to forfeiture of substitute property under the provisions of Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1).

A TRUE BILL,

FOREPERSON

A. LEE BENTLEY, III  
Acting United States Attorney

By:   
CHRISTOPHER J. HUNTER  
Trial Attorney  
Criminal Division, Fraud Section  
U.S. Department of Justice

By:   
ROBERT A. MOSAKOWSKI  
Assistant United States Attorney  
Chief, Economic Crimes Section

No.

**UNITED STATES DISTRICT COURT**

Middle District of Florida  
Tampa Division

THE UNITED STATES OF AMERICA

vs.

UBERT GUILLERMO RODRIGUEZ, a/k/a Ubert Guillermo Rodriguez Sigler

**INDICTMENT**

Violations:

18 U.S.C. § 1347  
18 U.S.C. § 982 (Forfeiture)

Foreperson

Filed in open court this 31st day

of July 2013.

Clerk

Bail \$

FILED

13 JUL 31

PM 3:54

CLERK OF COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA, FLORIDA

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