

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN WORKMAN,

Defendant.

Case No. 17cr1844 Ben

I N F O R M A T I O N

Title 18, U.S.C., Sec. 371 -  
Conspiracy; Title 18, U.S.C.,  
Sec. 981(a)(1)(C) and  
Title 28, U.S.C., Sec. 2461(c) -  
Criminal Forfeiture

The United States charges, at all times relevant:

Count 1

**CONSPIRACY TO COMMIT HEALTH CARE FRAUD, HONEST SERVICES MAIL FRAUD AND  
VIOLATE THE TRAVEL ACT, 18 USC § 371**

1. Beginning no later than 2005 and continuing through at least 2015, within the Southern District of California and elsewhere, defendant JOHN WORKMAN did knowingly and intentionally conspire with others to:

a. commit Health Care Fraud, that is, to knowingly and with the intent to defraud execute a material scheme to defraud a health care benefit program, and to obtain by means of materially false and fraudulent pretenses, representations, and promises, any of the money and property owned by, and under the custody and control of a health

1 care benefit program, in connection with the delivery of and payment for  
2 health care benefits, items, and services, in violation of Title 18,  
3 United States Code, Section 1347; and

4 b. commit Honest Services Mail Fraud, that is, to knowingly and  
5 with the intent to defraud, devise and participate in a material scheme  
6 to defraud and to deprive patients of the intangible right to a doctor's  
7 honest services, and to cause mailings in furtherance thereof, in  
8 violation of Title 18, United States Code, Sections 1341 and 1346.

9 **FRAUDULENT PURPOSE**

10 2. It was the goal of the conspiracy to fraudulently obtain money  
11 from health care benefit programs by submitting claims for medical goods  
12 and services that were generated through a secret pattern of bribes to  
13 doctors (and those acting with them and on their behalf), to induce the  
14 doctors to refer patients to particular providers, in violation of the  
15 doctors' fiduciary duty to their patients.

16 3. To carry out their purpose, Defendant and his co-conspirators  
17 submitted and caused to be submitted claims of over \$16.9 million for  
18 "shockwave" treatments procured through the payment of bribes and  
19 kickbacks.

20 4. As an essential part of the scheme, the Providers used the  
21 mail to submit claims and other documents to insurers, and to receive  
22 payment on those claims.

23 **OVERT ACT**

24 5. In furtherance of the conspiracy and in order to effect the  
25 objects thereof, Defendant committed or caused the commission of the  
26 following overt act in the Southern District of California and elsewhere:  
27 On November 5, 2010, shockwave provider FOREMOST SHOCKWAVE SERVICES, LEE  
28 MATHIS, and FERNANDO VALDES paid Defendant \$13,139.66 for patient Petra

1 T., a patient of Dr. H's clinic in Corona, knowing and intending that  
2 Defendant would pay Dr. H part of that money as a kickback for referring  
3 the patient to FOREMOST for shockwave treatment.

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

5 **FORFEITURE ALLEGATION**

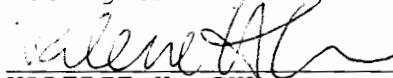
6 6. Upon conviction of the offense of Conspiracy as alleged in  
7 Count 1, defendant JOHN WORKMAN shall forfeit to the United States all  
8 right, title, and interest in any property, real or personal, that  
9 constitutes or is derived from proceeds traceable to a violation of such  
10 offenses, including a sum of money equal to the total amount of gross  
11 proceeds derived, directly or indirectly, from such offenses.

12 7. If any of the above described forfeitable property, as a result  
13 of any act or omission of defendant JOHN WORKMAN: (a) cannot be located  
14 upon the exercise of due diligence; (b) has been transferred or sold to,  
15 or deposited with, a third party; (c) has been placed beyond the  
16 jurisdiction of the Court; (d) has been substantially diminished in  
17 value; or (e) has been commingled with other property which cannot be  
18 divided without difficulty; it is the intent of the United States,  
19 pursuant to Title 21, United States Code, Section 853(p) and Title 18,  
20 United States Code, Section 982(b), to seek forfeiture of any other  
21 property of defendants JOHN WORKMAN up to the value of the forfeitable  
22 property described above.

23 All pursuant to Title 18, United States Code, Section 981(a)(1)(C) and  
24 Title 28, United States Code, Section 2461(c).

25 DATED: July 11, 2017.

26 ALANA W. ROBINSON  
27 Acting United States Attorney

28   
VALERIE H. CHU  
Assistant U.S. Attorney