

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Criminal No. 14-  
 :  
 v. : Hon.  
 :  
 VLADIMIR KLEYMAN : 18 U.S.C. § 371

**INFORMATION**

(Conspiracy to Pay Kickbacks and Commit Health Care Fraud)

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. Prescriptions R Us (“PRU”) was a compounding pharmacy located at 301 Madison Avenue, Lakewood, New Jersey. Pharmacy compounding involved the preparation of medication, using different types and dosages of drugs, in order to provide more personalized medications for patients. PRU, among other things, prepared and supplied a certain compound medication, namely, a topical cream that was prescribed to treat a variety of pain-related conditions (hereinafter “the Pain Cream”). The Pain Cream contained several ingredients, including gabapentin, ketamine (a Schedule III non-narcotic), lidocaine, diclofenac, and cyclobenzaprine.

b. The Medicare Program (“Medicare”) was a federal program established by the Social Security Act of 1965 to assist qualified aged and disabled individuals in paying for the cost of health care. Medicare worked by reimbursing health care providers and suppliers for the costs of health care services and items at fixed rates. The Medicare program provided reimbursement only for those health care services and items that were: (i) medically necessary,

(ii) ordered by a physician, and (iii) actually provided as billed. Medicare had an optional Part D program, which, for a monthly premium, provided coverage for the cost of prescription drugs for people on Medicare. This coverage was provided by insurance companies and other private companies approved by Medicare. 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. The Medicaid program (“Medicaid”) was a program jointly funded by the federal government and individual states to assist low-income persons and other qualified persons in paying for the costs of health care. The Medicaid program worked by reimbursing hospitals, physicians and other health care suppliers, such as pharmacies, for providing health care services and items to qualified individuals at fixed rates in a manner similar to the Medicare program.

d. PRU was an approved Medicare and Medicaid provider. Medicare and Medicaid paid PRU for products dispensed to patients enrolled in the Medicare and Medicaid programs.

e. PRU also billed, and was paid by, various health care insurance companies (“private payors”) in the business of providing health care insurance to individuals and entities under various insurance policies. Pursuant to these policies, private payors paid PRU for, among other things, filling prescriptions for medicine for patients who had been referred to PRU by physicians. Horizon Blue Cross Blue Shield, in conjunction with its contracted pharmacy benefit manager (collectively, “Horizon”), was one of various private payors billed by PRU and which paid PRU hundreds of thousands of dollars for filling prescriptions for individuals covered by Horizon’s health care insurance policies.

f. Defendant VLADIMIR KLEYMAN was an owner of PRU, and routinely exerted direct control over various aspects of the operations of PRU that are relevant to this Information.

g. CC-1, a co-conspirator not named herein, was paid by PRU to, among other things, recruit physicians to refer their prescriptions to PRU.

h. CC-2, a co-conspirator not named herein, was a physician with a medical practice in New Jersey who accepted cash bribes from defendant VLADIMIR KLEYMAN in exchange for referring Pain Cream prescriptions for CC-2's patients to PRU.

2. From in and around January 2013 through in and around January 2014, in Ocean County, in the District of New Jersey and elsewhere, defendant

VLADIMIR KLEYMAN

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 prescriptions for patients to PRU for the furnishing and arranging for the furnishing of items and services, that is, the referral by physicians of prescriptions for Pain Cream, 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); and

b. to knowingly and willfully execute, and attempt to execute, a scheme and artifice to defraud any health care benefit program and to obtain, by means of false and fraudulent pretenses, representations, and promises, any of the money owned by, or under the custody or

control of, any health care benefit program in connection with the delivery of or payment for health care benefits, items or services, contrary to Title 18, United States Code, Section 1347.

#### Objects of the Conspiracy

3. It was an object of the conspiracy for defendant VLADIMIR KLEYMAN and others to obtain additional revenue for PRU, and in turn, for themselves and each other individually, by soliciting CC-2 and paying CC-2 cash bribes for referrals of medication prescriptions to PRU, which PRU then would bill for and use to obtain payment from various payors, including Medicare and Medicaid.

4. It was a further object of the conspiracy for defendant VLADIMIR KLEYMAN and others to fraudulently obtain additional revenue for PRU, and in turn, for themselves and each other individually, by knowingly and willfully making false representations to Medicare, Medicaid, and various private payors about certain health care items, namely, the nature, dosage, and frequency of prescriptions, and the items being prescribed, that PRU dispensed to patients covered by these payors.

#### Manner and Means of the Conspiracy

5. It was a part of the conspiracy that defendant VLADIMIR KLEYMAN and others solicited, and paid cash bribes of as much as tens of thousands of dollars to CC-2 for referrals of CC-2's patients' prescriptions to be filled by PRU.

6. It was further part of the conspiracy that PRU dispensed Pain Cream to patients for whom it had been prescribed and fraudulently obtained hundreds of thousands of dollars in reimbursement for this item from Medicare, Medicaid, and other various private payors, by knowingly and willfully misrepresenting the nature and amount of the item that had been dispensed as well as the frequency with which the item had been dispensed.

### Overt Acts

In furtherance of the conspiracy, and in order to effect the objects thereof, defendant VLADIMIR KLEYMAN and his co-conspirators committed or caused the commission of the following overt acts in the District of New Jersey and elsewhere:

7. On or about November 21, 2013, CC-1 received a PRU check from a co-conspirator not named herein in the amount of approximately \$13,225. CC-1 subsequently cashed that check and used a portion of it to pay CC-2 in exchange for referrals of prescriptions to PRU.

8. On or about December 19, 2013, CC-1 received a PRU check from a co-conspirator not named herein in the amount of approximately \$15,302. CC-1 subsequently cashed that check and used a portion of it to pay CC-2 in exchange for referrals of prescriptions to PRU.

9. On or about December 20, 2013, defendant VLADIMIR KLEYMAN gave CC-1 \$11,000 in cash to use to pay CC-2 in exchange for referrals of prescriptions to PRU.

10. On multiple dates between July 2013 and January 2014, defendant VLADIMIR KLEYMAN fraudulently billed and obtained payment from Horizon by misrepresenting the quantity of and frequency with which Pain Cream was dispensed to multiple patients of CC-2, who then were insured by Horizon. Defendant VLADIMIR KLEYMAN purposefully avoided Horizon's reimbursement restrictions on dispensing 30-day supplies of Pain Cream and obtained payment from Horizon by falsely and fraudulently stating that he had dispensed 10-day supplies of Pain Cream on multiple occasions to these patients when he in fact had not done so. To avoid detection, defendant VLADIMIR KLEYMAN, among other things, asked CC-2 to alter CC-2's prescriptions for Pain Cream to PRU to omit quantity information.

11. Throughout 2013, defendant VLADIMIR KLEYMAN also fraudulently billed Medicare, Medicaid and various private payors concerning Voltaren® gel, Lidoderm® patches, and lidocaine patches, by falsely claiming that he had dispensed these items while knowing that he in fact had dispensed Pain Cream, which was not covered by these payors.

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

## FORFEITURE ALLEGATION

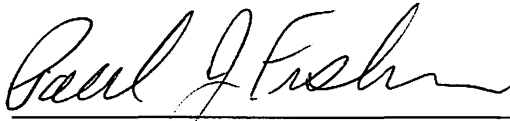
1. As the result of committing one or more of the Federal health care offenses as defined in 18 U.S.C. § 24 alleged in this Information, defendant VLADIMIR KLEYMAN shall forfeit to the United States, pursuant to 18 U.S.C. § 982(a)(7), all property, real and personal, that constitutes or is derived, directly and indirectly, from gross proceeds traceable to the commission of the offense, including but not limited to a sum of money equal to the amount of any and all proceeds traceable to the commission of the Federal health care offenses (as defined in 18U.S.C. § 24) to which defendant VLADIMIR KLEYMAN is pleading guilty.

### 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.

  
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PAUL J. FISHMAN  
United States Attorney

**CASE NUMBER: 14-**

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**United States District Court  
District of New Jersey**

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**UNITED STATES OF AMERICA**

**v.**

**VLADIMIR KLEYMAN**

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**INFORMATION FOR**

Title 18, United States Code, Section 371

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**PAUL J. FISHMAN**

*UNITED STATES ATTORNEY, NEWARK, NEW JERSEY*

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