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THE UNITED STATES ATTORNEY'S OFFICE  
SOUTHERN DISTRICT *of* FLORIDA

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**Department of Justice**

U.S. Attorney's Office

Southern District of Florida

FOR IMMEDIATE RELEASE

Thursday, November 30, 2017

## **Florida Pharmacy and Owner Agree to Pay \$170,000 to Resolve Allegations of Fraudulent Claims to Tricare for Compounded Medications**

Express Plus Pharmacy, LLC, a pharmacy that operated in Davie, Florida and its owner, Antonio Primo, have agreed to pay \$170,000 to resolve allegations that they violated the False Claims Act by submitting fraudulent claims to Tricare for compounded medications such as pain creams, the United States Attorney's Office announced today.

"This case demonstrates the United States Attorney's Office's commitment to combat compounding pharmacy fraud, which targets federal health care programs and especially TRICARE," said Benjamin G. Greenberg, Acting United States Attorney for the Southern District of Florida. "Our office will aggressively pursue those who abuse federal health care programs for personal profit."

As set forth in the settlement agreement between the parties, the United States alleged that, between January and May, 2015, Express Plus Pharmacy knowingly submitted claims to TRICARE for compounded medications that were not reimbursable because they were not issued pursuant to valid physician-patient relationships; the prescriptions were issued after brief phone calls with patients that violated applicable law on telemedicine; the prescriptions were medically unnecessary; and/or the prescriptions were tainted by kickbacks to marketers. This settlement, which was based on the defendants' ability to pay, resolves these allegations as to prescriptions written by one physician.

"The Defense Criminal Investigative Service is committed to protecting the integrity of the U.S. military health care program to provide top quality medical care to America's warfighters and their families, while ensuring that health care providers and facilities comply with Federal laws," said John F. Khin, Special Agent in Charge, DCIS - Southeast Field Office. "DCIS aggressively

pursues all available remedies to bring violators to justice. This settlement demonstrates the effectiveness of our investigative efforts.”

This case was developed through an initiative to track and prosecute compounding pharmacies that submitted millions of dollars in improper claims to the TRICARE program. The government estimates that, in 2015, approximately \$1.5 billion of tainted and unnecessary compound prescriptions were paid by the government.

The investigation of this case was the result of a coordinated effort by the United States Attorney’s Office for the Southern District of Florida and the U.S. Department of Defense, Defense Criminal Investigative Service. The settlement was negotiated by Assistant U.S. Attorney Susan Torres.

The claims asserted against the defendants are allegations only, and there has been no determination of liability.

Related court documents and information may be found on the website of the District Court for the Southern District of Florida at [www.flsd.uscourts.gov](http://www.flsd.uscourts.gov) or on <http://pacer.flsd.uscourts.gov>.

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**Component(s):**

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