



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

Friday, February 23, 2018

Port St. Lucie Dermatologist Sentence on Obstruction and Fraud Charges

Physician **Gary L. Marder, D.O.**, 61, of Palm Beach County, and owner and operator of the Allergy, Dermatology & Skin Cancer Centers in Port St. Lucie and Okeechobee, was sentenced yesterday in relation to his guilty plea to the crimes of obstruction of a health care investigation and health care fraud.

Benjamin G. Greenberg, United States Attorney for the Southern District of Florida, Robert F. Lasky, Special Agent in Charge, Federal Bureau of Investigation (FBI), Miami Field Office, Shimon R. Richmond, Special Agent in Charge, U.S. Department of Health and Human Services, Office of Inspector General (HHS-OIG), Miami Region, John F. Khin, Special Agent in Charge, Defense Criminal Investigative Service (DCIS), Southeast Field Office, Martin J. Dickman, Inspector General, U.S. Railroad Retirement Board, Office of Inspector General (RRB-OIG), and Scott Rezendes, Special Agent in Charge, United States Office of Personnel Management, Office of Inspector General (OPM-OIG), made the announcement.

U.S. District Judge Robin L. Rosenberg sentenced Marder to 36 months imprisonment, to be followed by one year of supervised release. Judge Rosenberg also ordered Marder to pay \$200,000 fine and a special assessment of \$200, each to be paid immediately. Marder is required to surrender to the place designated for his incarceration on April 23, 2018, by noon. Marder was also required to permanently surrender his license to practice as an osteopathic physician, and is not allowed to own, operate, manage or consult in a medical practice in anyway during the term of his sentence.

Marder pled guilty and admitted to committing the crimes of obstructing the investigation of federal healthcare fraud by delivering falsified and altered patient files that had been subpoenaed by a federal grand jury and delivered to an FBI Special Agent, and to having submitted approximately \$350,000 in false claims for the services of a medical physicist to healthcare

benefits programs including Medicare, Tricare, Railroad Retirement Board, OPM health insurance programs and other insurers.

The investigation originally arose from a Qui Tam lawsuit filed by whistleblower Theodore A. Schiff, M.D. alleging that Marder knowingly submitted fraudulent claims to federal healthcare programs for payment to which Marder was not entitled. On February 7, 2017, the government and Marder entered into a settlement of the civil suit resulting in Marder agreeing to an \$18 million judgment in favor of the United States that was subsequently satisfied by the payment of approximately \$6 million to the United States by Marder. Marder paid \$5.2 million and transferred a piece of real property to the United States to settle this civil suit. The United States agreed that this payment would also satisfy any restitution due and owing in the criminal case.

Mr. Greenberg commended the investigative efforts of the FBI, HHS-OIG, DCIS, RRB-OIG and OPM-OIG. This case was prosecuted by Assistant U.S. Attorney Ellen L. Cohen.

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 or on <http://pacer.flsd.uscourts.gov>.

Component(s):

USAO - Florida, Southern

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