

THE UNITED STATES ATTORNEY'S OFFICE
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Department of Justice

U.S. Attorney's Office

Middle District of Florida

FOR IMMEDIATE RELEASE

Thursday, December 15, 2022

Former Insys Sales Representative Sentenced In Kickback Conspiracy

Tampa, Florida – U.S. District Judge William H. Jung has sentenced Daniel Tondre (52, Tampa) to four years in federal prison for his role in a health care fraud kickback conspiracy. The court also ordered him to forfeit \$483,000, the proceeds of his offenses and to pay a \$25,000 fine. On May 24, 2022, a federal jury had found Tondre and Dr. Steven Chun (59, Sarasota) guilty of conspiring to pay and receive kickbacks and bribes, in the form of speaker fees, in return for prescribing the fentanyl spray, Subsys. Both were convicted of five separate substantive counts of paying and receiving kickbacks, and Tondre was also convicted of two counts of identification fraud. Chun was sentenced to three years and six months' imprisonment on December 5, 2022.

According to evidence presented during the 10-day trial, Tondre was employed as a sales representative with Insys Therapeutics, Inc., the company that manufactured and sold Subsys, an expensive form of liquid fentanyl designed to be applied under the tongue (sublingual spray) allowing it to rapidly enter the bloodstream to help relieve breakthrough pain in certain cancer patients. Tondre was the Subsys sales representative assigned to Chun's Sarasota pain management medical practice in Sarasota. Chun prescribed a large volume of Subsys. Insys, through its sales representative, Tondre, actively marketed Subsys to Chun by holding bogus and sham speaker events, and paid Chun \$2400 to \$3000 per speaker event in return for Chun writing more and higher dosages of Subsys prescriptions. Tondre facilitated sham speaker programs that were often only attended by Chun's family and friends, or repeat attendees, and included many sign-in sheets that Tondre falsified or forged with signatures of physicians who did not attend. The sham speaker programs were designed to conceal and disguise kickbacks and bribes paid to Chun to induce him to prescribe Subsys.

According to the evidence, Tondre earned over \$737,000 in salary and sales commissions over a period of two and half years. Insys paid Chun over \$278,900 in illegal kickbacks and bribes via the sham speaker programs over a period less than three years. Medicare Part D paid over \$4.5 million for Subsys prescriptions written by Chun.

"This corrupt medical professional ignored patient care and instead inflicted financial pain," said FBI Tampa Division Special Agent in Charge David Walker. "The FBI and its law enforcement partners work hard to ensure our nation's federally funded healthcare system is protected from deception and greed."

"Contrary to proper patient care, the defendants repeatedly disregarded opportunities to promote legitimate, suitable pain management for beneficiaries to instead pursue personal gain," said Special Agent in Charge Omar Pérez Aybar

with the U.S. Department of Health and Human Services Office of Inspector General. “It is a top priority of our agency and law enforcement partners to bring to justice individuals who exploit their proximity to patients to defraud federal health care programs.”

“This sentence demonstrates the effectiveness of the Defense Criminal Investigative Service, our law enforcement partners, and the U.S. Attorney's Office, in holding corrupt medical providers accountable when they fraudulently divert Defense Health Agency funds, putting their own greed before patient welfare,” said Special Agent in Charge Darrin Jones of the Defense Department's Inspector General, Defense Criminal Investigative Service, Southeast Field Office. “DCIS and our partners are committed to rooting out fraud and corruption and safeguarding the precious Taxpayer funding intended for the healthcare of our military members and their families.”

This case was investigated by the Federal Bureau of Investigation, the Department of Health and Human Services—Office of Inspector General, the Defense Criminal Investigative Service, and by the Opioid Fraud Abuse and Detection Unit at the United States Attorney's Office, which focuses on opioid-related fraud and abuse by medical and health care professionals who have contributed to the prescription opioid epidemic. It was prosecuted by Assistant United States Attorneys Kelley C. Howard-Allen and Jennifer L. Peresie.

Topic(s):

Opioids

Financial Fraud

Health Care Fraud

Component(s):

USAO - Florida, Middle

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