

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

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Department of Justice

U.S. Attorney's Office

Middle District of Florida

FOR IMMEDIATE RELEASE

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## **Former Sarasota Pain Doctor And Former Insys Sales Representative Convicted In Health Care Fraud Kickback Conspiracy**

Tampa, Florida – United States Attorney Roger B. Handberg announces today that a federal jury returned guilty verdicts against Dr. Steven Chun (59, Sarasota) and Daniel Tondre (52, Tampa). Both were found guilty for conspiring to pay and receive kickbacks and bribes, in the form of speaker fees, in return for prescribing the fentanyl spray Subsys. They were both also convicted on five separate counts of paying and receiving kickbacks on specific dates. Tondre was also convicted of two counts of identification fraud in connection with the sham speaker events. Each faces a maximum penalty of 5 years in federal prison on the conspiracy count, and up to 10 years in prison for each substantive kickback violation. Tondre also faces up to 5 years' imprisonment on each identification fraud count. The United States is seeking a money judgment in the amount of the proceeds of the kickbacks. A sentencing date has not yet been set.

According to court documents, Chun was a doctor who owned and operated a pain management medical practice in Sarasota where he prescribed a large volume of Subsys, an expensive form of liquid fentanyl designed to be applied under the tongue (sublingual spray), allowing it to rapidly enter the bloodstream. Tondre was employed as a sales representative in Chun's territory by Insys Therapeutics, Inc., the company that manufactured and sold Subsys.

Insys, through its sales representative, Tondre, actively marketed Subsys to Chun by holding bogus and sham speaker events, and paid Chun \$2,400 to \$3,000 per speaker event in return for writing more and higher dosages of Subsys prescriptions. The sham speaker programs were often only attended by Chun's family and friends or repeat attendees and included many falsified or forged signatures of attendees. Insys also bribed Chun, a large Subsys-prescriber, by hiring his then-girlfriend to work as an Insys liaison to facilitate the approval of insurance forms for Subsys, including those submitted for Medicare patients. The sham speaker programs were designed to conceal and disguise kickbacks and bribes paid to Chun to induce him to prescribe Subsys.

According to evidence presented during the 10-day trial, Chun was paid more than \$278,000 in illegal kickbacks and bribes from Insys in connection with the sham speaker programs over a period of less than three years. Chun was also employed as a consultant by a local pharmacy where he referred his patients to fill Subsys and other medications. Tondre earned more than \$737,000 in salary and sales commissions over a period of two and half years. Medicare Part D paid more than \$4.5 million for Subsys prescriptions written Chun.

Insys Therapeutics and other executives of Insys Therapeutics were convicted in the District of Massachusetts in *United States v. Gurry et al.*, with the First Circuit Court of Appeals affirming their convictions.

This case was investigated by the Federal Bureau of Investigation, the U.S. 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 is being prosecuted by Assistant United States Attorneys Kelley C. Howard-Allen and Jennifer Peresie.

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**Topic(s):**

Financial Fraud

Health Care Fraud

**Component(s):**

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