

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

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UNITED STATES OF AMERICA)
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 v.)
)
 LILLIAN AKWUBA,)
 JULIO DELGADO,)
 STEVEN EDWIN COX, and)
 ELIZABETH CRONIER)
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CR. NO. 2:17cr511-WKW
[21 U.S.C. § 841;
21 U.S.C. § 846;
18 U.S.C. § 1956;
18 U.S.C. § 1957;
18 U.S.C. § 1347;
18 U.S.C. § 1349;
18 U.S.C. § 2]
INDICTMENT

The Grand Jury charges:

BACKGROUND

1. At all times material to this Indictment, the Alabama Board of Medical Examiners and the Medical Licensure Commission of Alabama (ABME) was a state agency charged with protecting the health and safety of the citizens of Alabama by, among other things, licensing and regulating physicians to practice medicine or osteopathy within Alabama.

2. At all times material to this Indictment, the Drug Enforcement Administration (DEA) was a law enforcement and regulatory agency of the United States Department of Justice. Among the DEA's objectives was preventing and detecting the unlawful diversion or misuse of controlled substances authorized for medical usages. Such controlled substances were those drugs listed in Schedule II, Schedule III, Schedule IV, and Schedule V of schedules promulgated pursuant to the Controlled Substances Act. In furtherance of its mission, the DEA issued registrations to physicians, nurse practitioners, physicians' assistants and other types of health care providers authorizing those health care providers to issue prescriptions for controlled substances when legitimate medical needs supported the issuance of prescriptions and the

issuance of a prescription for a controlled substance was within a practitioner's normal medical practice.

3. At all times material to this Indictment, for a physician licensed by the ABME to lawfully prescribe a controlled substance within Alabama, that practitioner had to obtain both a controlled substances registration from the DEA and also an Alabama Controlled Substances Certificate (ACSC) from the ABME.

4. At all times material to this Indictment, the ABME and the Alabama Board of Nursing (ABN) regulated certified registered nurse practitioners within Alabama. The ABME and the ABN required that a nurse practitioner work under the supervision of a licensed physician through a "collaborative practice agreement."

5. At all times material to this Indictment, a nurse practitioner licensed by the ABME and the ABN and subject to a collaborative practice agreement with a licensed physician could lawfully prescribe controlled substances if the nurse practitioner obtained: (1) a controlled substances registration from the DEA; and (2) a Qualified Alabama Controlled Substances Certificate from the ABME. Under the governing state rules, a nurse practitioner could not issue two consecutive 30-day controlled substances prescriptions to the same patient for the same medicine without an intervening prescription issued by a physician.

INTRODUCTION

6. From an unknown date and continuing until in or about August of 2017, G.S. was a physician licensed to practice medicine in Alabama by the ABME. During some or all of that period, G.S. was licensed by the DEA and ABME to issue prescriptions for controlled substances.

7. From an unknown date and continuing until the present, S.O. was a medical

doctor licensed to practice medicine in Alabama by the ABME. During some or all of that period, S.O. was licensed by the DEA and ABME to issue prescriptions for controlled substances.

8. From an unknown date and continuing until in or about 2013, G.S. and S.O. were co-owners of a medical practice located at and near 4143 Atlanta Highway, Montgomery, Alabama. The practice's legal name was "[S.O.], MD, PC." However, the practice did business under the name "Family Practice." The practice was a lucrative business venture. In 2014, the practice earned gross receipts of or about \$4,352,352.63. In 2015, the practice earned gross receipts of or about \$3,292,549.40. In 2016, the practice earned gross receipts of or about \$3,087,530.25.

9. In or about 2013, G.S. purchased S.O.'s share of Family Practice. G.S. thus became the sole owner of Family Practice.

10. From in or about an unknown date and continuing through the present, Defendant Lillian Akwuba was a certified registered nurse practitioner licensed by the ABME and the ABN. During some or all of that period, Akwuba was licensed by the DEA and ABME to issue prescriptions for controlled substances.

11. From in or about an unknown date and continuing until in or about June of 2016, Akwuba was affiliated with and provided medical care as a certified registered nurse practitioner through Family Practice. During some or all of that time, Akwuba operated under a collaborative practice agreement with G.S.

12. From an unknown date and continuing through the present, Defendant Julio Delgado was a physician licensed to practice medicine in Alabama by the ABME. During that period, Delgado was licensed by the DEA and ABME to issue prescriptions for controlled

substances.

13. From in or about an unknown date and continuing until in or about 2016, Delgado was affiliated with and practiced medicine through Family Practice.

14. From in or about an unknown date and continuing through the present, Defendant Steven Edwin Cox was a certified registered nurse practitioner licensed by the ABME and the ABN. During some of that period, Cox was licensed by the DEA and ABME to issue prescriptions for controlled substances.

15. From in or about an unknown date and continuing through the present, Cox was affiliated with and provided medical care as a certified registered nurse practitioner through Family Practice. During some or all of that time, Cox operated under a collaborative practice agreement with S.O. That agreement terminated in or about 2013. At such time, Cox entered into a new collaborative practice agreement with G.S.

16. From in or about an unknown date and continuing through the present, Defendant Elizabeth Cronier was a certified registered nurse practitioner licensed by the ABME and the ABN. During some of that period, Cronier was licensed by the DEA and ABME to issue prescriptions for controlled substances.

17. From in or about an unknown date and continuing through the present, Cronier was affiliated with and provided medical care as a certified registered nurse practitioner through Family Practice. During some or all of that time, Cronier operated under a collaborative practice agreement with G.S.

COUNT 1

(Conspiracy to Distribute Controlled Substances)

18. The factual allegations contained in paragraphs 1 through 17 of this Indictment are realleged and incorporated herein as if copied verbatim.

19. Beginning on a date unknown, and continuing until on or about August 1, 2017, in Montgomery County, within the Middle District of Alabama and elsewhere, the defendants,

LILLIAN AKWUBA,
JULIO DELGADO,
STEVEN EDWARD COX, and
ELIZABETH CRONIER,

did knowingly and intentionally conspire, combine, and agree with themselves and with others, both known and unknown, including G.S. and S.O., to distribute and dispense and cause to be distributed and dispensed mixtures and substances containing detectable amounts of Schedules II, III, and IV controlled substances, including, but not limited to, fentanyl, hydrocodone, oxycodone, methadone, dextroamphetamine, hydromorphone, and alprazolam by issuing and causing prescriptions for those Schedule II, III, and IV controlled substances to be issued to medical patients, outside the usual course of professional medical practice and for no legitimate medical purposes, through the operation of a "pill mill," that is a medical clinic created to dispense controlled substances inappropriately, unlawfully, and for non-medical reasons, in violation of Title 21, United States Code, Section 841(a)(1). All in violation of Title 21, United States Code, Section 846.

COUNT 2
(Distribution of a Controlled Substance)

20. The factual allegations contained in paragraphs 1 through 17 of this Indictment are realleged and incorporated herein as if copied verbatim.

21. From on or about September 11, 2012 and continuing through on or about May 3, 2016, in Montgomery County, within the Middle District of Alabama and elsewhere, the defendants,

LILLIAN AKWUBA,
STEVEN EDWIN COX, and

ELIZABETH CRONIER,

each aided and abetted by others and aiding and abetting others, including but not limited to, G.S., did knowingly and intentionally distribute and dispense and cause to be distributed and dispensed mixtures and substances containing detectable amounts of controlled substances, to wit: oxycodone, a Schedule II controlled substance; methadone, a Schedule II controlled substance; dextroamphetamine, a Schedule II controlled substance; and clonazepam, a Schedule IV controlled substance, all to J.W., all outside the usual course of professional medical practice and for no legitimate medical purpose, through the operation of a “pill mill,” and for non-medical reasons, in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT 3

(Distribution of a Controlled Substance)

22. The factual allegations contained in paragraphs 1 through 17 of this Indictment are realleged and incorporated herein as if copied verbatim.

23. From on or about May 23, 2013 and continuing through on or about June 2, 2016, in Montgomery County, within the Middle District of Alabama and elsewhere, the defendants,

LILLIAN AKWUBA and
JULIO DELGADO,

each aided and abetted by others and aiding and abetting others, including but not limited to, G.S., did knowingly and intentionally distribute and dispense and cause to be distributed and dispensed mixtures and substances containing detectable amounts of controlled substances, to wit: hydrocodone, a Schedule II controlled substance; and alprazolam, a Schedule IV controlled substance, all to T.F., all outside the usual course of professional medical practice and for no legitimate medical purpose, through the operation of a “pill mill,” and for non-medical reasons,

in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT 4
(Distribution of a Controlled Substance)

24. The factual allegations contained in paragraphs 1 through 17 of this Indictment are realleged and incorporated herein as if copied verbatim.

25. From on or about January 18, 2016 and continuing through on or about May 10, 2016, in Montgomery County, within the Middle District of Alabama and elsewhere, the defendant,

JULIO DELGADO,

aided and abetted by others and aiding and abetting others, including but not limited to, G.S., did knowingly and intentionally distribute and dispense and cause to be distributed and dispensed mixtures and substances containing detectable amounts of controlled substances, to wit: oxycodone, a Schedule II controlled substance; hydrocodone, a Schedule II controlled substance; zolpidem, a Schedule IV controlled substance; and alprazolam, a Schedule IV controlled substance; all to J.G., all outside the usual course of professional medical practice and for no legitimate medical purpose, through the operation of a “pill mill,” and for non-medical reasons, in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT 5
(Distribution of a Controlled Substance)

26. The factual allegations contained in paragraphs 1 through 17 of this Indictment are realleged and incorporated herein as if copied verbatim.

27. From on or about September 3, 2013 and continuing through on or about June 1,

2015, in Montgomery County, within the Middle District of Alabama and elsewhere, the defendant,

LILLIAN AKWUBA,

aided and abetted by others and aiding and abetting others, including but not limited to, G.S., did knowingly and intentionally distribute and dispense and cause to be distributed and dispensed mixtures and substances containing detectable amounts of controlled substances, to wit: fentanyl, a Schedule II controlled substance; hydrocodone, a Schedule II controlled substance; oxycodone, a Schedule II controlled substance; carisoprodol, a Schedule IV controlled substance; alprazolam, a Schedule IV controlled substance; diazepam, a Schedule IV controlled substance, all to S.G., all outside the usual course of professional medical practice and for no legitimate medical purpose, through the operation of a “pill mill,” and for non-medical reasons, in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT 6

(Distribution of a Controlled Substance)

28. The factual allegations contained in paragraphs 1 through 17 of this Indictment are realleged and incorporated herein as if copied verbatim.

29. From on or about August 26, 2013 and continuing through on or about June 6, 2016, in Montgomery County, within the Middle District of Alabama and elsewhere, the defendants,

LILLIAN AKWUBA and
STEVEN EDWIN COX,

each aided and abetted by others and aiding and abetting others, including but not limited to, G.S., did knowingly and intentionally distribute and dispense and cause to be distributed and dispensed mixtures and substances containing detectable amounts of controlled substances, to

wit: oxycodone, a Schedule II controlled substance; hydrocodone, a Schedule II controlled substance; alprazolam, a Schedule IV controlled substance; and triazolam, a Schedule IV controlled substance, all to J'e.L., all outside the usual course of professional medical practice and for no legitimate medical purpose, through the operation of a "pill mill," and for non-medical reasons, in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT 7
(Distribution of a Controlled Substance)

30. The factual allegations contained in paragraphs 1 through 17 of this Indictment are realleged and incorporated herein as if copied verbatim.

31. From on or about January 2, 2013 and continuing through on or about June 2, 2016, in Montgomery County, within the Middle District of Alabama and elsewhere, the defendants,

LILLIAN AKWUBA,
JULIO DELGADO,
STEVEN EDWIN COX, and
ELIZABETH CRONIER,

each aided and abetted by others and aiding and abetting others, including but not limited to, G.S., did knowingly and intentionally distribute and dispense and cause to be distributed and dispensed mixtures and substances containing detectable amounts of controlled substances, to wit: dextroamphetamine, a Schedule II controlled substance; hydrocodone, a Schedule II controlled substance; oxycodone, a Schedule II controlled substance; fentanyl, a Schedule II controlled substance; zolpidem, a Schedule IV controlled substance; and carisoprodol, a Schedule IV controlled substance, all to C.W., all outside the usual course of professional medical practice and for no legitimate medical purpose, through the operation of a "pill mill,"

and for non-medical reasons, in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT 8
(Distribution of a Controlled Substance)

32. The factual allegations contained in paragraphs 1 through 17 of this Indictment are realleged and incorporated herein as if copied verbatim.

33. From on or about January 31, 2013 and continuing through on or about May 3, 2016, in Montgomery County, within the Middle District of Alabama and elsewhere, the defendants,

LILLIAN AKWUBA,
JULIO DELGADO, and
STEVEN EDWIN COX,

each aided and abetted by others and aiding and abetting others, including but not limited to, G.S., did knowingly and intentionally distribute and dispense and cause to be distributed and dispensed mixtures and substances containing detectable amounts of controlled substances, to wit: hydrocodone, a Schedule II controlled substance; dextroamphetamine, a Schedule II controlled substance; testosterone cypionate, a Schedule III controlled substance; and lorazepam, a Schedule IV controlled substance, all to W.D., all outside the usual course of professional medical practice and for no legitimate medical purpose, through the operation of a “pill mill,” and for non-medical reasons, in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT 9
(Distribution of a Controlled Substance)

34. The factual allegations contained in paragraphs 1 through 17 of this Indictment are realleged and incorporated herein as if copied verbatim.

35. From on or about June 9, 2014 and continuing through on or about July 15, 2016, in Montgomery County, within the Middle District of Alabama and elsewhere, the defendants,

LILLIAN AKWUBA,
JULIO DELGADO, and
STEVEN EDWIN COX,

each aided and abetted by others and aiding and abetting others, including but not limited to, G.S., did knowingly and intentionally distribute and dispense and cause to be distributed and dispensed mixtures and substances containing detectable amounts of controlled substances, to wit: oxycodone, a Schedule II controlled substance; fentanyl, a Schedule II controlled substance; hydrocodone, a Schedule II controlled substance; alprazolam, a Schedule IV controlled substance, all to A.S., all outside the usual course of professional medical practice and for no legitimate medical purpose, through the operation of a “pill mill,” and for non-medical reasons, in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT 10
(Distribution of a Controlled Substance)

36. The factual allegations contained in paragraphs 1 through 17 of this Indictment are realleged and incorporated herein as if copied verbatim.

37. From on or about January 18, 2015 and continuing through on or about May 23, 2016, in Montgomery County, within the Middle District of Alabama and elsewhere, the defendants,

LILLIAN AKWUBA and
ELIZABETH CRONIER,

each aided and abetted by others and aiding and abetting others, including but not limited to, G.S., did knowingly and intentionally distribute and dispense and cause to be distributed and

dispensed mixtures and substances containing detectable amounts of controlled substances, to wit: dextroamphetamine, a Schedule II controlled substance; hydrocodone, a Schedule II controlled substance; oxycodone, a Schedule II controlled substance; methadone, a Schedule II controlled substance; alprazolam, a Schedule IV controlled substance; and clonazepam, a Schedule IV controlled substance, all to N.R., all outside the usual course of professional medical practice and for no legitimate medical purpose, through the operation of a “pill mill,” and for non-medical reasons, in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT 11
(Distribution of a Controlled Substance)

38. The factual allegations contained in paragraphs 1 through 17 of this Indictment are realleged and incorporated herein as if copied verbatim.

39. From on or about August 26, 2013 and continuing through on or about June 6, 2016, in Montgomery County, within the Middle District of Alabama and elsewhere, the defendants,

LILLIAN AKWUBA and
STEVEN EDWIN COX,

each aided and abetted by others and aiding and abetting others, including but not limited to, G.S., did knowingly and intentionally distribute and dispense and cause to be distributed and dispensed mixtures and substances containing detectable amounts of controlled substances, to wit: hydrocodone, a Schedule II controlled substance; and alprazolam, a Schedule IV controlled substance, all to Jo.L., all outside the usual course of professional medical practice and for no legitimate medical purpose, through the operation of a “pill mill,” and for non-medical reasons, in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code,

Section 2.

COUNT 12
(Distribution of a Controlled Substance)

40. The factual allegations contained in paragraphs 1 through 17 of this Indictment are realleged and incorporated herein as if copied verbatim.

41. From on or about January 2, 2013 and continuing through on or about May 23, 2016, in Montgomery County, within the Middle District of Alabama and elsewhere, the defendants,

LILLIAN AKWUBA,
STEVEN EDWIN COX, and
ELIZABETH CRONIER,

each aided and abetted by others and aiding and abetting others, including but not limited to, G.S., did knowingly and intentionally distribute and dispense and cause to be distributed and dispensed mixtures and substances containing detectable amounts of controlled substances, to wit: hydrocodone, a Schedule II controlled substance; oxycodone, a Schedule II controlled substance; dextroamphetamine, a Schedule II controlled substance; hydromorphone, a Schedule II controlled substance; buprenorphine, a Schedule III controlled substance; tramadol, a Schedule IV controlled substance, all to L.K., all outside the usual course of professional medical practice and for no legitimate medical purpose, through the operation of a “pill mill,” and for non-medical reasons, in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT 13
(Distribution of a Controlled Substance)

42. The factual allegations contained in paragraphs 1 through 17 of this Indictment are realleged and incorporated herein as if copied verbatim.

43. From on or about October 1, 2014 and continuing through on or about June 23, 2017, in Montgomery County, within the Middle District of Alabama and elsewhere, the defendants,

JULIO DELGADO and
STEVEN EDWIN COX,

each aided and abetted by others and aiding and abetting others, including but not limited to, G.S., did knowingly and intentionally distribute and dispense and cause to be distributed and dispensed mixtures and substances containing detectable amounts of controlled substances, to wit: oxycodone, a Schedule II controlled substance; hydrocodone, a Schedule II controlled substance; buphenorphine, a Schedule III controlled substance; clonazepam, a Schedule IV controlled substance, all to R.A., all outside the usual course of professional medical practice and for no legitimate medical purpose, through the operation of a “pill mill,” and for non-medical reasons, in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT 14
(Distribution of a Controlled Substance)

44. The factual allegations contained in paragraphs 1 through 17 of this Indictment are realleged and incorporated herein as if copied verbatim.

45. From on or about June 30, 2015 and continuing through on or about July 25, 2017, in Montgomery County, within the Middle District of Alabama and elsewhere, the defendants,

JULIO DELGADO,
STEVEN EDWIN COX, and
ELIZABETH CRONIER,

each aided and abetted by others and aiding and abetting others, including but not limited to,

G.S., did knowingly and intentionally distribute and dispense and cause to be distributed and dispensed mixtures and substances containing detectable amounts of controlled substances, to wit: fentanyl, a Schedule II controlled substance; methadone, a Schedule II controlled substance; zolpidem, a Schedule IV controlled substance; and diazepam, a Schedule IV controlled substance, all to S.C., all outside the usual course of professional medical practice and for no legitimate medical purpose, through the operation of a “pill mill,” and for non-medical reasons, in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT 15
(Conspiracy to Commit Health Care Fraud)

46. The factual allegations contained in paragraphs 1 through 45 of this Indictment are realleged and incorporated herein as if copied verbatim.

47. Beginning on a date unknown, and continuing until on or about August 1, 2017, in Montgomery County, within the Middle District of Alabama and elsewhere, the defendants,

LILLIAN AKWUBA,
JULIO DELGADO,
STEVEN EDWARD COX, and
ELIZABETH CRONIER,

did knowingly and intentionally conspire, combine, and agree with themselves and with others, both known and unknown, including G.S. and S.O., to execute a scheme and artifice to defraud and to obtain, by means of materially false and fraudulent pretenses, representations, and promises, money and property owned and under the custody and control of health care benefit programs, as defined in Title 18, United States Code, Section 24(b), in connection with the delivery of and payment for health care benefits, items, and services, in violation of Title 18, United States Code, Section 1347. All in violation of Title 18, United States Code, Section

1349.

COUNTS 16 THROUGH 24
(Health Care Fraud)

48. The factual allegations contained in paragraphs 1 through 45 of this Indictment are realleged and incorporated herein as if copied verbatim.

THE SCHEME

49. Beginning on a date unknown, and continuing until on or about August 1, 2017, in Montgomery County, within the Middle District of Alabama and elsewhere, the defendants,

LILLIAN AKWUBA,
JULIO DELGADO,
STEVEN EDWARD COX, and
ELIZABETH CRONIER,

each aided and abetted by others and aiding and abetting others, including but not limited to, G.S., did knowingly and willfully, with intent to defraud, devised and intended to devise, a scheme and artifice to defraud, and to obtain, by means of materially false and fraudulent pretenses, representations, and promises, money and property owned and under the custody and control of health care benefit programs, as defined in Title 18, United States Code, Section 24(b), in connection with the delivery of and payment for health care benefits, items, and services. The scheme and artifice is set forth below.

MANNER AND MEANS

It was part of the scheme that:

50. The defendants would diagnose patients of Family Practice, including, but not limited to, the patients described in paragraphs 18 through 45, with vague, unsubstantiated medical conditions.

51. Based upon these vague and illegitimate diagnoses, the defendants would issue

prescriptions to these patients for controlled substances, including but not limited to, medications containing fentanyl, hydrocodone, oxycodone, methadone, dextroamphetamine, hydromorphone, and alprazolam. The defendants would do so despite knowing that each prescription was outside the ordinary course of normal professional conduct and for no legitimate medical purpose.

52. The defendants would generally prescribe controlled substances in 30-day quantities. The defendants would then require each patient to return to the offices of Family Practice each month for a physical examination performed by one of the defendants. Only after a monthly examination would the defendants issue to the patient a new 30-day controlled substances prescription.

53. These monthly office visits were medically unnecessary. As no legitimate medical reasons existed for the patients' receipt of controlled substances, no legitimate medical reasons for the patients undergoing monthly medical office visits.

54. After performing these unnecessary office visits, the defendants would bill and cause to be billed the health care benefit programs providing health insurance to the patients for the office visits. Each office visit resulted in a bill of around \$75.

55. In submitting these bills and causing these bills to be submitted, the defendants warranted that the office visits were for legitimate medical purposes. This was false. Moreover, the defendants omitted the material fact that the office visits were for the singular purpose of perpetuating the illegitimate prescribing of controlled substances.

THE CHARGES

56. Between the dates set forth below, in Montgomery County, within the Middle District of Alabama, and elsewhere, the defendants, each aided and abetted by others and aiding and abetting others, including but not limited to, G.S., for the purpose of executing the above-

described scheme and artifice to defraud and for obtaining money and property by means of materially false and fraudulent pretenses, representations, and promises, money and property owned and under the custody and control of health care benefit programs, as defined in Title 18, United States Code, Section 24(b), in connection with the delivery of and payment for health care benefits, items, and services, did render medically illegitimate and unnecessary treatment to the following patients, with the treatment of each patient giving rise to a separate count against the named defendants.

COUNT	PATIENT TREATED	DEFENDANTS CHARGED	ON OR ABOUT DATE RANGE	HEALTH CARE BENEFIT PROGRAM DEFRAUDED
16	J.W.	AKWUBA, COX, and CRONIER	September 11, 2012 through May 3, 2016	Blue Cross and Blue Shield of Alabama (BCBS-AL)
17	T.F.	AKWUBA and DELGADO	May 23, 2013 through June 2, 2016	Viva Medicare Plus
18	J.G.	DELGADO	January 18, 2016 through May 10, 2016	BCBS-AL, Alabama Medicaid Agency (Alabama Medicaid)
19	J'e.L.	AKWUBA and COX	August 26, 2013 through June 6, 2016	Medicare
20	C.W.	AKWUBA, DELGADO, COX, and CRONIER	January 2, 2013 through June 2, 2016	BCBS-AL
21	W.D.	AKWUBA, DELGADO, and COX	January 31, 2013 through May 3, 2016	Viva Health
22	A.S.	AKWUBA,	June 9, 2014	BCBS-AL,

		DELGADO, and COX	through July 15, 2016	Alabama Public Education Employees' Health Insurance Plan
23	L.K.	AKWUBA, COX, and CRONIER	January 2, 2013 through May 23, 2016	BCBS-AL
24	S.C.	DELGADO, COX, and CRONIER	June 30, 2015 through July 25, 2017,	UnitedHealth Group, Inc. (UnitedHealth)

Each in violation of Title 18, United States Code, Section 1347 and Title 18, United States Code, Section 2.

COUNTS 25 THROUGH 33
(Health Care Fraud)

57. The factual allegations contained in paragraphs 1 through 45 of this Indictment are realleged and incorporated herein as if copied verbatim.

THE SCHEME

58. Beginning on a date unknown, and continuing until on or about August 1, 2017, in Montgomery County, within the Middle District of Alabama and elsewhere, the defendants,

LILLIAN AKWUBA,
JULIO DELGADO,
STEVEN EDWARD COX, and
ELIZABETH CRONIER,

each aided and abetted by others and aiding and abetting others, including but not limited to, G.S., did knowingly and willfully, with intent to defraud, devised and intended to devise, a scheme and artifice to defraud, and to deprive health care benefit programs, as defined in Title 18, United States Code, Section 24(b), of money and property in their custody and control, in

connection with the delivery of and payment for health care benefits, items, and services. The scheme and artifice is set forth below.

MANNER AND MEANS

It was part of the scheme that:

59. The defendants would diagnose patients of Family Practice, including, but not limited to, the patients described in paragraphs 18 through 45, with vague, unsubstantiated medical conditions.

60. Based upon these vague and illegitimate diagnoses, the defendants would issue prescriptions to these patients for controlled substances, including but not limited to, medications containing fentanyl, hydrocodone, oxycodone, methadone, dextroamphetamine, hydromorphone, and alprazolam. The defendants would do so despite knowing that each prescription was outside the ordinary course of normal professional conduct and for no legitimate medical purpose.

61. By issuing the above-described prescriptions, the defendants would warrant that legitimate medical needs existed for the dispensing of the prescribed medications. As the defendants then knew, no such medical need existed.

62. The patients would then go to pharmacies for the purpose of filling prescriptions. The health care benefit program of each patient would then pay the pharmacy for some or all of the cost of the prescription—despite the fact that no legitimate medical need existed for the prescribing of the medications.

THE CHARGES

63. Between the dates set forth below, in Montgomery County, within the Middle District of Alabama, and elsewhere, the defendants, each aided and abetted by others and aiding and abetting others, including but not limited to, G.S., for the purpose of executing the above-

described scheme and artifice to defraud, and to deprive health care benefit programs, as defined in Title 18, United States Code, Section 24(b), of money and property in their custody and control, in connection with the delivery of and payment for health care benefits, items, and services, did cause the following health care benefit programs to pay pharmacies for the costs of filling medically illegitimate prescriptions for the following patients, with prescriptions for each patient giving rise to a separate count against the named defendants.

COUNT	PATIENT TREATED	DEFENDANTS CHARGED	ON OR ABOUT DATE RANGE	HEALTH CARE BENEFIT PROGRAM DEFRAUDED
25	J.W.	AKWUBA, COX, and CRONIER	September 11, 2012 through May 3, 2016	Blue Cross and Blue Shield of Alabama (BCBS-AL)
26	T.F.	AKWUBA and DELGADO	May 23, 2013 through June 2, 2016	Viva Medicare Plus
27	J.G.	DELGADO	January 18, 2016 through May 10, 2016	BCBS-AL, Alabama Medicaid Agency (Alabama Medicaid)
28	J'e.L.	AKWUBA and COX	August 26, 2013 through June 6, 2016	Medicare
29	C.W.	AKWUBA, DELGADO, COX, and CRONIER	January 2, 2013 through June 2, 2016	BCBS-AL
30	W.D.	AKWUBA, DELGADO, and COX	January 31, 2013 through May 3, 2016	Viva Health
31	A.S.	AKWUBA, DELGADO, and COX	June 9, 2014 through July 15, 2016	BCBS-AL, Alabama Public Education

				Employees' Health Insurance Plan
32	L.K.	AKWUBA, COX, and CRONIER	January 2, 2013 through May 23, 2016	BCBS-AL
33	S.C.	DELGADO, COX, and CRONIER	June 30, 2015 through July 25, 2017,	UnitedHealth Group, Inc. (UnitedHealth)

Each in violation of Title 18, United States Code, Section 1347 and Title 18, United States Code, Section 2.

COUNT 34
(Conspiracy to Commit Money Laundering)

64. The factual allegations contained in paragraphs 1 through 63 of this Indictment are realleged and incorporated herein as if copied verbatim.

65. Beginning on a date unknown, and continuing until in or about June of 2016, in Montgomery County, within the Middle District of Alabama and elsewhere, the defendant,

LILLIAN AKWUBA,

did knowingly combine, conspire, and agree with each other and with other persons known and unknown, including G.S. and S.O., to commit offenses against the United States in violation of Title 18, United States Code, Sections 1956 and 1957.

OBJECTS OF THE CONSPIRACY

66. It was an object of the conspiracy to knowingly conduct and attempt to conduct financial transactions affecting interstate and foreign commerce, which involved the proceeds of a specified unlawful activity, that drug distribution and health care fraud with the intent to promote the carrying on of that specified unlawful activity, and that while conducting and

attempting to conduct such financial transactions, knew that the property involved in the financial transactions represented the proceeds of some form of unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i).

67. It was also an object of the conspiracy to knowingly engage and attempt to engage in monetary transactions by, through, and to a financial institution, affecting interstate and foreign commerce, in criminally derived property of a value greater than \$10,000, that is, money and property in the custody and control of Family Practice, such property having been derived from a specified unlawful activity, that is drug distribution and health care fraud, in violation of Title 18, United States Code, Section 1957.

MANNER AND MEANS

68. The manner and means used to accomplish the objectives of the conspiracy included, among others, the following.

69. G.S. and S.O. and individuals affiliated with Family Practice and working under the direction and control of G.S. and S.O. would deposit into a USAmeriBank account owned by Family Practice and having an account number ending in 9587 (the Practice 9587 account) the proceeds of illegitimate treatments of patients receiving controlled substances prescriptions.

70. G.S. and S.O. would then issue and cause to be issued checks drawn upon the Practice 9587 account constituting the proceeds of unlawful drug distribution and health care fraud payable to various entities and persons, such payments necessary to keep the practice open and staffed. Among these expenditures were payments to practice's office manager and to the holder of the mortgage on the practice's buildings.

71. G.S. and S.O. would also issue and cause to be issued checks drawn upon the Practice 9587 account in amounts in excess of \$10,000 constituting the proceeds of unlawful

drug distribution and health care fraud.

72. Some of the checks G.S. and S.O. would issue and cause to be issued from the 9587 account were checks payable to G.S. and S.O. themselves and business entities affiliated with G.S. and S.O. G.S. would then deposit checks drawn on the Practice 9587 account located at USAmeriBank into the other bank accounts, each of which was owned by G.S. and a business entity G.S. controlled. Among those bank accounts was an account owned by G.S. located at Regions Financial Corporation having an account number ending in 4778 (the G.S. 4778 account).

73. G.S. would then write checks drawn on the above-described accounts in amounts in excess of \$10,000 constituting the proceeds of unlawful drug distribution and health care fraud. These checks would generally go towards funding G.S.'s non-medical business ventures. Such ventures included, but were not limited to, purchasing, restoring, and reselling automobiles.

74. Among the checks G.S. wrote from the G.S. 4778 account were checks payable to Akwuba. G.S. and Akwuba intended for the money transferred to Akwuba to be used to purchase automobiles for resale in various countries in Africa, including Nigeria. The money G.S. transferred to Akwuba from the account constituted the proceeds of unlawful drug distribution and health care fraud.

All in violation of Title 18, United States Code, Section 1956(h).

COUNTS 35 THROUGH 37
(Money Laundering – Transactions in Excess of \$10,000)

75. The factual allegations contained in paragraphs 1 through 74 of this Indictment are realleged and incorporated herein as if copied verbatim.

76. On or about the dates set forth below, in Montgomery County, within the Middle District of Alabama, the defendant,

LILLIAN AKWUBA,

aided and abetted by others and aiding and abetting others, including but not limited to, G.S., did engage in the following monetary transactions through and to financial institutions, affecting interstate and foreign commerce, in criminally derived property of a value greater than \$10,000, that is the deposit and withdrawal and transfer of funds, such property having been derived from a specified unlawful activity, with the details of each transaction set forth below and with each transaction giving rise to a separate count.

COUNT	ON OR ABOUT DATE	MONETARY TRANSACTION
35	September 16, 2013	Check drawn from the G.S. 4778 account and payable to Lillian Akwuba in the amount of \$30,000.00
36	September 30, 2013	Check drawn from the G.S. 4778 account and payable to Lillian Akwuba in the amount of \$30,000.00
37	October 21, 2013	Check drawn from the G.S. 4778 account and payable to Lillian Akwuba in the amount of \$30,000.00

Each in violation of Title 18, United States Code, Section 1957 and Title 18, United States Code, Section 2.

FORFEITURE ALLEGATION-1

A. The allegations contained in Counts 1 through 14 of this indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 21, United States Code, Section 853.

B. Upon conviction of the offenses in violation of Title 21, United States Code, Sections 841(a)(1) and 846, set forth in Counts 1 through 14 of this indictment, the defendants,

LILLIAN AKWUBA,

JULIA DELGADO,
STEVEN EDWIN COX, and
ELIZABETH CRONIER,

shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any and all property constituting or derived from proceeds the said defendants obtained directly or indirectly as a result of the said violations and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the offenses in violation of Title 21, United States Code, Sections 841(a) and 846.

C. If any of the property described in this forfeiture allegation, as a result of any act or omission of the defendants:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third party;
- (3) has been placed beyond the jurisdiction of the court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be divided without difficulty,

the United States shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

All pursuant to Title 21, United States Code, Section 853.

FORFEITURE ALLEGATION-2

A. The allegations contained in Counts 15 through 33 of this indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 982(a)(7).

B. Upon conviction of the offenses in violation of Title 18, United States Code, Sections 1347 and 1349, set forth in Counts 15 through 33 of this indictment, the defendants,

LILLIAN AKWUBA,

JULIO DELGADO,
STEVEN EDWIN COX, and
ELIZABETH CRONIER,

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(7), any and all property constituting or derived from proceeds the said defendants obtained directly or indirectly as a result of the offenses in violation of Title 18, United States Code, Sections 1347 and 1349.

C. If any of the property described in this forfeiture allegation, as a result of any act or omission of the defendants:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third party;
- (3) has been placed beyond the jurisdiction of the court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be divided without difficulty,

the United States shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

All pursuant to Title 18, United States Code, Section 982(a)(7).

FORFEITURE ALLEGATION-3

A. The allegations contained in Counts 34 through 36 of this indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 982(a)(1).

B. Upon conviction of the offenses in violation of Title 18, United States Code, Sections 1956(h) and 1957, set forth in Counts 34 through 36 of this indictment, the defendant,

LILLIAN AKWUBA,

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), any and all property constituting or derived from proceeds defendant obtained directly or indirectly as a result of the said violations and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the offenses in violation of Title 18, United States Code, Sections 1956(h) and 1957.

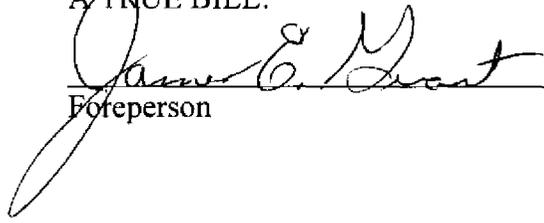
C. If any of the property described in this forfeiture allegation, as a result of any act or omission of the defendant:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third party;
- (3) has been placed beyond the jurisdiction of the court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be divided without difficulty,

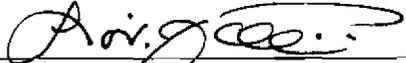
the United States shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

All pursuant to Title 18, United States Code, Section 982(a)(1).

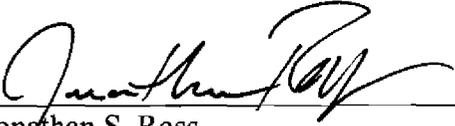
A TRUE BILL:



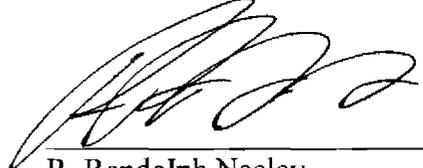
Foreperson



LOUIS V. FRANKLIN, SR.
UNITED STATES ATTORNEY



Jonathan S. Ross
Assistant United States Attorney



R. Randolph Neeley
Assistant United States Attorney



Kevin P. Davidson
Assistant United States Attorney