



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

Tuesday, November 15, 2016

Lemon Bay Drugs North And Brooksville Drugs Agree To Pay \$750,000 To Resolve False Claims Act Allegations

Fort Myers, FL – United States Attorney A. Lee Bentley, III announces that Lemon Bay Drugs North, Inc. and Brooksville Drugs, Inc. have agreed to pay a total of \$750,000 to the government to resolve allegations that the pharmacies violated the False Claims Act by causing claims to be submitted to federal health care programs for prescription drugs that were never dispensed.

Lemon Bay Drugs is a pharmacy operating in North Port, Florida and Brooksville Drugs is a pharmacy operating in Brooksville, Florida. Both pharmacies are managed by Benzer Pharmacy Holding LLC and are owned by Alpesh Patel.

The settlement announced today resolves allegations that Lemon Bay Drugs and Brooksville Drugs provided Medicare and Medicaid patients generic versions of certain medications, but charged Medicare and Medicaid for the brand name versions of those medications. The settlement covers allegations that the pharmacies knowingly submitted false claims by billing the government programs for certain drugs they could not have dispensed because they did not have sufficient inventory of those drugs.

The allegations against the pharmacies were originally brought in a lawsuit filed by a whistleblower under the *qui tam* provisions of the False Claims Act, which allow private parties to bring suit on behalf of the government and to share in any recovery. The whistleblower, a former pharmacy technician who worked at Lemon Bay Drugs, will receive \$142,500 as her share of the recovery.

“The United States Attorney’s Office is committed to protecting Medicare and other federal health care programs from fraud,” said U.S. Attorney Bentley. “Those who violate the False Claims Act to generate profit will be held accountable.”

This investigation was handled by Assistant U.S. Attorney Kyle S. Cohen with assistance from the Department of Health and Human Services - Office of Inspector General, the Defense Criminal Investigative Service, the FBI, the Florida Medicaid Fraud Control Unit, the North Port Police Department, and the Sarasota County Sheriff's Office.

This settlement illustrates the government's emphasis on combating health care fraud and marks another achievement for the Health Care Fraud Prevention and Enforcement Action Team (HEAT) initiative, which was announced in May 2009 by the Attorney General and the Secretary of Health and Human Services. The partnership between the two departments has focused efforts to reduce and prevent Medicare and Medicaid financial fraud through enhanced cooperation. One of the most powerful tools in this effort is the False Claims Act. Since January 2009, the Justice Department has recovered a total of more than \$31.6 billion through False Claims Act cases, with more than \$19.2 billion of that amount recovered in cases involving fraud against federal health care programs.

The claims resolved by the settlement are allegations only, and there has been no determination of liability.

The lawsuit is captioned *United States ex. rel. Vicmary Aguilar-Morales v. Lemon Bay Drugs North*, Case No. 2:12-cv-536-FtM-29SPC.

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Topic:

Healthcare Fraud

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