

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No.

13-20691

18 U.S.C. § 1347

18 U.S.C. § 2

18 U.S.C. § 982

YMA
CR-SCOLA

MAGISTRATE JUDGE
O'SULLIVAN

UNITED STATES OF AMERICA

vs.

CHRISTOPHER GREGORY WAYNE,

Defendant.

INDICTMENT

The Grand Jury charges that:

GENERAL ALLEGATIONS

At all times relevant to this Indictment:

1. The Medicare Program ("Medicare") was a federal program that provided free or below-cost health care benefits to certain individuals, primarily the elderly, blind, and disabled. The benefits available under Medicare are prescribed by statute and by federal regulations under the auspices of the United States Department of Health and Human Services, through its agency, the Centers for Medicare and Medicaid Services ("CMS"). Individuals who received benefits under Medicare were commonly referred to as Medicare "beneficiaries."

2. Medicare was a "health care benefit program," as defined by Title 18, United States Code, Section 24(b).

3. Medicare Part B paid for a portion of the cost of certain necessary medical services and medications that were provided and ordered by physicians, clinics, and other qualified health

care providers. Under the Medicare Part B program, outpatient physical therapy, including therapeutic massages, electrical stimulation and ultrasounds, must be furnished by a physician, a physical therapist, an appropriately supervised physical therapist assistant, or a person otherwise qualified under state law.

4. Medicare Part B was administered in Florida by First Coast Service Options, a company that contracted with CMS to receive, adjudicate, process, and pay Medicare Part B claims. Medicare Part B payments were often made directly to the physician, clinic, or other provider of the medical services, rather than to the beneficiary.

5. Physicians, clinics, and other health care providers that provided services to Medicare beneficiaries were able to apply for and obtain a "provider number." A health care provider who had been issued a Medicare provider number was able to file claims with Medicare to obtain reimbursement for services provided to beneficiaries. A Medicare claim was required to set forth, among other things, the beneficiary's name and Medicare identification number, the services that had been performed for the beneficiary, the date the services were provided, the cost of the services, and the name and identification number of the physician or other health care provider who had ordered the services.

The Defendant and his Company

5. Defendant **CHRISTOPHER GREGORY WAYNE** was a resident of Miami-Dade County. **CHRISTOPHER GREGORY WAYNE** was a medical doctor licenced in the State of Florida.

6. **CHRISTOPHER GREGORY WAYNE** incorporated Dr. Christopher G. Wayne, D.O., Inc., on or about March 20, 1995. **CHRISTOPHER GREGORY WAYNE** was president of Dr. Christopher G. Wayne, D.O., Inc.

7. Dr. Christopher G. Wayne, D.O., Inc., was located in Miami-Dade County at 3800 North Miami Ave., Miami, Florida 33127. Dr. Christopher G. Wayne, D.O., Inc., did business as Miami Urgent Care and Rehab Center.

8. On or about May 17, 1999, and August 10, 2004, **CHRISTOPHER GREGORY WAYNE** signed a Medicare enrollment application as president of Dr. Christopher G. Wayne, D.O., Inc.

COUNTS 1-12
(Health Care Fraud: 18 U.S.C. § 1347)

1. Paragraphs 1 through 8 of the General Allegations section of this Indictment are realleged and incorporated by reference as though fully set forth herein.

2. Beginning in or around December 2007, until on or about August 7, 2009, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

CHRISTOPHER GREGORY WAYNE,

in connection with the delivery of and payment for health care benefits, items, and services, did knowingly and willfully execute, and attempt to execute, a scheme and artifice to defraud Medicare, a health care benefit program affecting commerce, as defined in Title 18, United States Code, Section 24(b), and to obtain, by means of materially false and fraudulent pretenses, representations, and promises, money and property owned by, and under the custody and control of, Medicare, that is, the defendant, through Dr. Christopher G. Wayne, D.O., Inc., submitted and caused the

submission of false and fraudulent claims to Medicare seeking reimbursement for the cost of various medical items and services.

PURPOSE OF THE SCHEME AND ARTIFICE

3. It was the purpose of the scheme and artifice for **CHRISTOPHER GREGORY WAYNE** to unlawfully enrich himself by, among other things: (a) submitting and causing the submission of false and fraudulent claims to Medicare; (b) concealing the submission of false and fraudulent claims to Medicare and the receipt and transfer of fraud proceeds; and (c) diverting fraud proceeds for the benefit of himself and others.

THE SCHEME AND ARTIFICE

The manner and means by which the defendant sought to accomplish the purpose of the scheme and artifice included, among others, the following:

4. **CHRISTOPHER GREGORY WAYNE** caused Dr. Christopher G. Wayne, D.O., Inc., to submit claims for therapeutic procedures, electrical stimulation, ultrasounds, and other treatments and services, such claims falsely and fraudulently representing that these treatments and services were medically necessary and had been provided to Medicare beneficiaries.

5. As a result of the submission of such false and fraudulent claims, **CHRISTOPHER GREGORY WAYNE** caused Medicare to make payments to Dr. Christopher G. Wayne, D.O., Inc.

6. **CHRISTOPHER GREGORY WAYNE** then transferred and disbursed, and caused the transfer and disbursement of fraud proceeds to himself and others.

ACTS IN EXECUTION OF THE SCHEME AND ARTIFICE

7. On or about the dates specified as to each count below, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

CHRISTOPHER GREGORY WAYNE,

in connection with the delivery of and payment for health care benefits, items, and services, did knowingly and willfully execute, and attempt to execute, the above-described scheme and artifice to defraud a health care benefit program affecting commerce, that is, Medicare, and to obtain, by means of materially false and fraudulent pretenses, representations, and promises, money and property owned by, and under the custody and control of, said health care benefit program, in that, the defendant submitted and caused the submission of false and fraudulent Medicare claims seeking the below listed approximate dollar amounts, and represented that Dr. Christopher G. Wayne, D.O., Inc. provided the below listed medical items and services to the below listed beneficiaries pursuant to physicians' orders or prescriptions:

Count	Medicare Beneficiary	Approximate Date of Claim	Medicare Claim Number	Procedure code; Service Billed; Approximate Amount of Claim
1	C.A.	12/09/2008	591108343971810	97124; 15 Minute Massage; \$25
2	S.R.	12/09/2008	591108343091860	97032; Electrical Stimulation; \$20
3	J.C.	12/19/2008	591008353972490	97032; Electrical Stimulation; \$20
4	C.A.	12/20/2008	591008354972450	97035; Ultrasound; \$15
5	J.A.	1/14/2009	591009014973110	97035; Ultrasound; \$15
6	S.R.	2/09/2009	591009040973680	97035; Ultrasound; \$15
7	J.A.	2/13/2009	591009044504340	97124; 15 Minute Massage; \$25

Count	Medicare Beneficiary	Approximate Date of Claim	Medicare Claim Number	Procedure code; Service Billed; Approximate Amount of Claim
8	S.R.	2/20/2009	591009051707550	97124; 15 Minute Massage; \$25
9	J.A.	3/24/2009	591009083668490	97032; Electrical Stimulation; \$20
10	J.C.	5/04/2009	591009124789200	97035; Ultrasound; \$15
11	J.C.	7/06/2009	591009187821010	97124; 15 Minute Massage; \$25
12	C.A.	7/13/2009	591009194480130	97032; Electrical Stimulation; \$20

In violation of Title 18, United States Code, Sections 1347 and 2.

FORFEITURE
(18 U.S.C. § 982)

1. The allegations of Counts 1 through 12 of this Indictment are re-alleged and by this reference fully incorporated herein for the purpose of alleging forfeiture to the United States of America of certain property in which the defendant, **CHRISTOPHER GREGORY WAYNE**, has an interest.

2. Upon conviction of a violation of Title 18, United States Code, Section 1347, the defendant, **CHRISTOPHER GREGORY WAYNE**, shall forfeit to the United States any property, real or personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of such violation pursuant to Title 18, United States Code, Section 982(a)(7).

All pursuant to Title 18, United States Code, Section 982(a)(7) and the procedures set forth


at Title 21, United States Code, Section 853, as made applicable through Title 18, United States Code, Section 982(b)(1).

A TRUE BILL

FOREPERSON _____



WIFREDO A. FERRER
UNITED STATES ATTORNEY



ERIC E. MORALES
ASSISTANT UNITED STATES ATTORNEY