

United States v. Roberto Rodriguez
Case No. 09-CR-20138-HUCK

AGREED FACTUAL BASIS FOR GUILTY PLEA

Beginning in approximately October 2003 and continuing through approximately February, 2005, the defendant, Roberto Rodriguez, willfully conspired with others to commit health care fraud, in violation of 18 U.S.C. § 1349. Medicare is a "health care benefit program" of the United States, as defined in 18 U.S.C. § 24. Furthermore, Medicare is a health care benefit program affecting commerce.

Beginning in approximately October 2003 and continuing through approximately November, 2004, Rodriguez, a Miami physician, was a part owner of and practicing physician at Midway Medical Center (Midway), a medical clinic located at 85 Grand Canal Drive, Suite 402, in Miami, Florida. Midway purported to specialize in providing services to patients with the Human Immunodeficiency Virus, or HIV.

In approximately October 2003, Rodriguez entered into an agreement with Marcia Garcia, the owner and operator of Midway. Rodriguez agreed to use his personal Medicare provider number, along with a group provider number belonging to the clinic, to submit claims to the Medicare program for services he purportedly provided and supervised at the clinic, in exchange for a percentage of the resulting Medicare reimbursements. Midway employed medical assistants, including Gonzalo Nodarse and Alexis Carrazana, purportedly to provide injection and infusion services to patients at the clinic.

Rodriguez and Garcia billed the Medicare program routinely for services that were medically unnecessary and, in many instances, never provided. Rodriguez and Garcia purchased only a small fraction of the medication that was purportedly being administered to Midway's patients. Rodriguez ordered the patients treated with medications that he knew the patients did not need and that, in many instances, he knew the clinic did not have available to provide to the patients. Rodriguez was aware that many of the treatments he ordered and billed for were never actually provided.

Most of the services allegedly provided to patients at Midway were billed to the Medicare program as treatments for a diagnosis of thrombocytopenia, a disorder involving a low count of platelets in the blood. None of Midway's patients actually had low blood platelet counts. To make it appear that the patients actually had low platelet levels, Rodriguez and Garcia used chemists to manipulate the blood samples drawn from Midway's patients before the blood was sent to a laboratory for analysis. These chemists, who included Alexis Dagnesses, would extract the platelets from the blood before the blood was tested by the laboratory. The resulting laboratory reports, which would be placed in the patient files, would make it appear that the patients actually had dangerously low platelet levels, and would thus theoretically support the medical necessity of treatments supposedly being rendered at Midway. Rodriguez was well aware of this blood-tainting practice, and nonetheless ordered that patients receive medications to treat thrombocytopenia despite knowing that the patients did not have that condition.

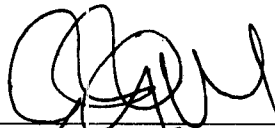
Midway was not the only clinic where Rodriguez purported to treat HIV patients with injection and infusion therapies. Rodriguez was listed as a Medical Director and practicing physician for five other infusion clinics between approximately October 2003 and approximately February 2005. At these additional clinics, Rodriguez's conduct was substantially similar to his conduct at Midway – that is, he and his co-conspirators billed the Medicare program for HIV injection and infusion services that Rodriguez knew were medically unnecessary and, in some instances, never actually provided. The names and locations of the additional HIV clinics where Rodriguez engaged in similarly fraudulent conduct are:

- (1) Roberto Rodriguez M.D., P.A., located at 8000 W. Flagler St., Suites 206 and 207, Miami, Florida;
- (2) Zodiac Enterprises, Inc., located at 7940 SW 8th St., Miami, Florida;
- (3) B and F Medical Center, Inc., located at 3383 NW 7th St., Suite 212, Miami, Florida;
- (4) Medirehab Center, Inc., located at 5600 SW 135th Ave., Suite 106, Miami, Florida;
- (5) Sunset Clinical Center Inc., located at 7171 Coral Way, Suite 501, Miami, Florida.

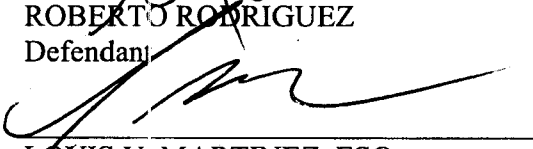
From in or about October 2003 through in or about June 2005, Rodriguez and his co-conspirators caused the submission of over \$20 million in false and fraudulent claims to the Medicare program for services allegedly provided at Midway and the additional clinics listed above. Medicare actually paid at least \$11 million on these false and fraudulent claims.

The preceding statement is a summary, made for the purpose of providing the Court with a factual basis for my guilty plea to the charge against me. It does not include all of the facts known to me concerning criminal activity in which I and others engaged. I make this statement knowingly and voluntarily and because I am in fact guilty of the crime charged.

DATE: 3/23/09



 ROBERTO RODRIGUEZ
 Defendant



 LOUIS V. MARTINEZ, ESQ.
 Attorney for Defendant