

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 21-80063-CR-MIDDLEBROOKS/MATTHEWMAN

UNITED STATES OF AMERICA

vs.

CHRISTOPHER LICATA,

Defendant.

AGREED FACTUAL BASIS FOR GUILTY PLEA

Beginning in or around approximately December 2018, and continuing through in or around approximately April 2021, in Palm Beach County, in the Southern District of Florida, and elsewhere, the defendant, CHRISTOPHER LICATA (“LICATA”), knowingly and willfully conspired and agreed with his co-conspirators, including Juan Nava Ruiz (“Ruiz”), Eric Frank (“Frank”), and M.M., to commit health care fraud, in violation of Title 18, United States Code, Section 1349, that is, to knowingly and willfully execute a scheme and artifice to defraud a health care benefit program affecting commerce, as defined in Title 18, United States Code, Section 24(b), 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 connection with the delivery of and payment for health care benefits, items, and services, in violation of Title 18, United States Code, Section 1347. Medicare is a “health care benefit program” as defined in Title 18, United States Code, Section 24. Furthermore, Medicare is a health care benefit program affecting commerce.

LICATA, a resident of Palm Beach County, in the Southern District of Florida, was the owner of Boca Toxicology, LLC (d/b/a Lab Dynamics) ("Boca Toxicology"), which had its principal place of business in Palm Beach County, Florida. Boca Toxicology operated as a laboratory enrolled with Medicare that purported to provide laboratory testing services to Medicare beneficiaries, including COVID-19 testing, respiratory pathogen panel ("RPP") testing, and various forms of genetic testing, including cancer genetic testing; pharmacogenetic testing; cardiac genetic testing; diabetes and obesity genetic testing; and Parkinson's, Alzheimer's, and dementia ("PADs") genetic testing.

LICATA paid kickbacks and bribes to Ruiz, Frank, and M.M., among other co-conspirators, in exchange for referring beneficiaries, as well as COVID-19, RPP, genetic, and other tests and corresponding doctors' orders to Boca Toxicology so that Boca Toxicology could submit claims to Medicare for the tests. LICATA and his co-conspirators created and caused to be created sham documentation that disguised the kickbacks and bribes, as payment from Boca Toxicology for other services, including as legitimate employment arrangements or flat-fee arrangements.

LICATA directed Ruiz, Frank, and M.M., among other co-conspirators, to recruit patients and obtain doctors' orders for specific types of tests, including specific genetic tests, and to bundle COVID-19 testing with higher-reimbursing respiratory tests, including RPP tests. LICATA further directed that the doctors' orders select the most expansive (and highest reimbursing) panels of genes, or, in the case of RPP tests, respiratory pathogens.

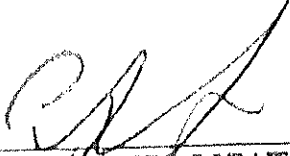
LICATA knew that the majority of beneficiaries referred through Ruiz, Frank, and M.M. were referred by a single practitioner, who was not using the results of complex genetic testing in furtherance of the beneficiaries' treatment. Nonetheless, LICATA, through the patient referrals of

Ruiz, Frank, and M.M., billed for multiple different genetic tests for many of the same patients. In addition, LICATA caused illegal kickbacks and bribes to be paid to telemedicine companies in exchange for doctors' orders for laboratory tests, including genetic tests, that were not medically necessary. LICATA knew that beneficiaries referred to telemedicine doctors were marketed genetic testing through call centers staffed by non-medical professionals who called the beneficiaries and attempted to convince them to agree to take genetic tests.

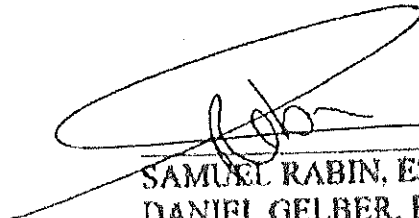
Between in or around December 2018, and continuing through in or around April 2021, LICATA and his co-conspirators caused Boca Toxicology to submit at least \$6,991,406 in false and fraudulent claims for reimbursement from Medicare for laboratory tests that were not medically necessary, and that were procured through the payment of illegal kickbacks and bribes. As the result of these false and fraudulent claims, Medicare made payments to Boca Toxicology of at least \$2,831,632 on these 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 charges 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 crimes charged.


DATE: 12/17/21


CHRISTOPHER LICATA
Defendant

DATE: 12/17/21


SAMUEL RABIN, ESQ.
DANIEL GELBER, ESQ.
Attorney for Defendant

DATE: 1/11/22


JAMIE DE BOER
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