

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT PADUCAH

FILED
JAMES J. VILT, JR. - CLERK
JUN 11 2024

U.S. DISTRICT COURT
WEST'N. DIST. KENTUCKY

UNITED STATES OF AMERICA

v.

MICHAEL SHAWN BOAZ
CHRISTOPHER CLAYTON AUGUSTUS

INDICTMENT

NO. 5:24CR23 BJB

18 U.S.C. § 2
18 U.S.C. § 1028A
18 U.S.C. § 1347
18 U.S.C. § 1349
18 U.S.C. § 982

The Grand Jury charges:

INTRODUCTION

1. At relevant times, Clinton Pharmacy was a pharmacy located in Hickman County, Kentucky. The defendant, **MICHAEL SHAWN BOAZ**, a licensed pharmacist, was the owner of Clinton Pharmacy and provided pharmacist services at the pharmacy.

2. At relevant times, Bardwell Pharmacy was a pharmacy located in Carlisle County, Kentucky. The defendants, **MICHAEL SHAWN BOAZ** and **CHRISTOPHER CLAYTON AUGUSTUS**, were the owners of Bardwell Pharmacy. **CHRISTOPHER CLAYTON AUGUSTUS** provided pharmacist services at the Bardwell Pharmacy.

COUNT 1

(Conspiracy - Health Care Fraud)

3. The Grand Jury hereby realleges Paragraphs 1-2 of this Indictment and incorporates such paragraphs by this reference as though fully set forth herein.

4. On or about and between June 2017, and continuing through September 8, 2021, in the Western District of Kentucky, Carlisle County, Kentucky, Hickman County, Kentucky, and elsewhere, the defendants, **MICHAEL SHAWN BOAZ** and **CHRISTOPHER CLAYTON**

AUGUSTUS, and others, did knowingly and willfully combine, conspire and confederate and agree with each other and others, known and unknown to the Grand Jury, to violate Title 18, United States Code, Section 1347, that is, to knowingly and willfully execute, and attempt to execute, a scheme and artifice to obtain, by means of false and fraudulent pretenses, representations, and promises, money and property owned by and under the custody and control of health care benefit programs, in connection with the delivery of, and payment for, health care benefits, items, and services, to wit: **MICHAEL SHAWN BOAZ** and **CHRISTOPHER CLAYTON AUGUSTUS**, and others, falsely and fraudulently billed various health care benefit programs for medications when no physician and nurse practitioner issued an order for the medications. It was also part of the conspiracy, that defendants falsely and fraudulently billed various health care benefit programs for medications dispensed from the Clinton and Bardwell Pharmacies by using material misrepresentations, material omissions, and deception in order to obtain authorization for the medications from physicians and nurse practitioners. As a result of the fraudulent scheme, health care benefit programs were billed in excess of \$1,000,000.

In violation of Title 18, United States Code, Section 1349.

The Grand Jury further charges:

COUNTS 2-12
(*Health Care Fraud-Fraudulent Prescriptions*)

5. The Grand Jury hereby realleges Paragraphs 1-4 of this Indictment and incorporates such paragraphs by this reference as though fully set forth herein.

6. On or about the dates listed below, in the Western District of Kentucky, Hickman County, Kentucky, and elsewhere, the defendant, **MICHAEL SHAWN BOAZ**, aided and abetted by others, known and unknown to the Grand Jury, knowingly and willfully executed, and

attempted to execute, a scheme and artifice to obtain, by means of false or fraudulent pretenses, representations, and promises, money and property owned by and under the custody or control of health care benefit programs, in connection with the delivery of and payment for health care benefits, items, and services, to wit: **MICHAEL SHAWN BOAZ** falsely and fraudulently billed various health care benefit programs for medications dispensed from the Clinton Pharmacy when no physician and nurse practitioner issued an order for the medication. **MICHAEL SHAWN BOAZ** also falsely and fraudulently billed various health care benefit programs for medications dispensed from the Clinton Pharmacy by using material misrepresentations, material omissions, and deception in order to obtain authorization for the medications from a physicians and nurse practitioners.

COUNTS	DATE BILLED	PATIENT	DRUG
2	November 26, 2019	G.J.	Carbinoxamine Maleate
3	October 24, 2019	G.J.	Carbinoxamine Maleate
4	September 24, 2019	G.J.	Carbinoxamine Maleate
5	September 11, 2020	G.J.	Carbinoxamine Maleate
6	October 9, 2019	T.A.	HM Complete
7	August 8, 2019	S.C.	Carbinoxamine Maleate
8	October 21, 2019	S.C.	Carbinoxamine Maleate
9	December 7, 2019	S.C.	Carbinoxamine Maleate
10	February 21, 2020	S.C.	Carbinoxamine Maleate
11	July 8, 2019	S.C.	Omnivex
12	September 30, 2019	S.C.	Omnivex

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

The Grand Jury further charges:

COUNTS 13-26
(*Health Care Fraud-Fraudulent Prescriptions*)

7. The Grand Jury hereby realleges Paragraphs 1-4 of this Indictment and incorporates such paragraphs by this reference as though fully set forth herein.

8. On or about the dates listed below, in the Western District of Kentucky, Carlisle County, Kentucky, and elsewhere, the defendant, **CHRISTOPHER CLAYTON AUGUSTUS**, aided and abetted by others, known and unknown to the Grand Jury, knowingly and willfully executed, and attempted to execute, a scheme and artifice to obtain, by means of false or fraudulent pretenses, representations, and promises, money and property owned by and under the custody or control of health care benefit programs, in connection with the delivery of and payment for health care benefits, items, and services, to wit: **CHRISTOPHER CLAYTON AUGUSTUS** falsely and fraudulently billed various health care benefit programs for medications dispensed from the Bardwell Pharmacy when no physician and nurse practitioner issued an order for the medications. **CHRISTOPHER CLAYTON AUGUSTUS** also falsely and fraudulently billed various health care benefit programs for medications dispensed from the Bardwell Pharmacy by using material misrepresentations, material omissions, and deception in order to obtain authorization for the medications from a physicians and nurse practitioners.

COUNTS	DATE BILLED	PATIENT	DRUG
13	December 26, 2019	Christopher Clayton Augustus	Carbinoxamine Maleate
14	November 25, 2019	Christopher Clayton Augustus	Carbinoxamine Maleate
15	October 23, 2019	Christopher Clayton Augustus	Carbinoxamine Maleate

16	October 24, 2019	Christopher Clayton Augustus	Yosprala
17	February 10, 2020	O.B	Carbinoxamine Maleate
18	August 11, 2020	O.B.	Carbinoxamine Maleate
19	March 10, 2021	O.B.	Carbinoxamine Maleate
20	September 8, 2021	O.B.	Carbinoxamine Maleate
21	February 21, 2020	C.H.	Zyvit
22	October 6, 2019	C.H.	Zyvit
23	July 3, 2019	E.W.	Genicin Vita-Q
24	September 20, 2019	E.W.	Folika-V
25	November 19, 2019	E.W.	Genicin Vita-Q
26	December 20, 2019	E.W.	Genicin Vita-Q

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

The Grand Jury further charges:

COUNT 27
(*Aggravated Identity Theft*)

9. On or about October 9, 2019, in the Western District of Kentucky, Hickman County, Kentucky, and elsewhere, the defendant, MICHAEL SHAWN BOAZ, did knowingly possess, transfer, and use the means of identification of another person, a nurse practitioner whose name is known to the Grand Jury, Nurse Practitioner #1, including the name and unique National Provider Identifier number of Nurse Practitioner #1, without lawful authority, in relation to the offense charged in Counts 1 and 6.

In violation of Title 18, United States Code, Sections 1028A(a)(1) and (c)(5).

The Grand Jury further charges:

COUNT 28
(Aggravated Identity Theft)

10. On or about October 24, 2019, in the Western District of Kentucky, Carlisle County, Kentucky, and elsewhere, the defendant, **CHRISTOPHER CLAYTON AUGUSTUS** did knowingly possess, transfer, and use the means of identification of another person, a physician whose name is known to the Grand Jury, Physician #1, including the name and unique National Provider Identifier number of Physician #1, without lawful authority, in relation to the offense charged in Counts 1 and 16.

In violation of Title 18, United States Code, Sections 1028A(a)(1) and (c)(5).

NOTICE OF FORFEITURE

If convicted of any violation of Title 18, United States Code, Sections 1347 and 1349, the defendants, **MICHAEL SHAWN BOAZ** and **CHRISTOPHER CLAYTON AUGUSTUS**, shall forfeit to the United States, any property constituting or derived from any proceeds obtained, directly or indirectly, as the result of any such violation.

Pursuant to Title 18, United States Code, Sections 982(a)(1) and (a)(7).

A TRUE BILL.

FOREPERSON


MICHAEL A. BENNETT
UNITED STATES ATTORNEY

MAB:RDM

UNITED STATES OF AMERICA v. MICHAEL SHAWN BOAZ and CHRISTOPHER CLAYTON AUGUSTUS

PENALTIES

Counts 1-26: NM 10 yrs./ \$250,000 fine/both/NM 3 yrs. Supervised Release (each count)
Counts 27-28: NL 2 yrs. Consecutive (each count)
Forfeiture

NOTICE

ANY PERSON CONVICTED OF AN OFFENSE AGAINST THE UNITED STATES SHALL BE SUBJECT TO SPECIAL ASSESSMENTS, FINES, RESTITUTION & COSTS.

SPECIAL ASSESSMENTS

18 U.S.C. § 3013 requires that a special assessment shall be imposed for each count of a conviction of offenses committed after November 11, 1984, as follows:

Misdemeanor:	\$ 25 per count/individual \$125 per count/other	Felony:	\$100 per count/individual \$400 per count/other
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FINES

In addition to any of the above assessments, you may also be sentenced to pay a fine. Such fine is due immediately unless the court issues an order requiring payment by a date certain or sets out an installment schedule. You shall provide the United States Attorney's Office with a current mailing address for the entire period that any part of the fine remains unpaid, or you may be held in contempt of court. 18 U.S.C. § 3571, 3572, 3611, 3612

Failure to pay fine as ordered may subject you to the following:

1. INTEREST and PENALTIES as applicable by law according to last date of offense.

For offenses occurring after December 12, 1987:

No INTEREST will accrue on fines under \$2,500.00.

INTEREST will accrue according to the Federal Civil Post-Judgment Interest Rate in effect at the time of sentencing. This rate changes monthly. Interest accrues from the first business day following the two week period after the date a fine is imposed.

PENALTIES of:

10% of fine balance if payment more than 30 days late.

15% of fine balance if payment more than 90 days late.

2. Recordation of a LIEN shall have the same force and effect as a tax lien.
3. Continuous GARNISHMENT may apply until your fine is paid.

18 U.S.C. §§ 3612, 3613

If you **WILLFULLY** refuse to pay your fine, you shall be subject to an **ADDITIONAL FINE** of not more than the greater of \$10,000 or twice the unpaid balance of the fine; or **IMPRISONMENT** for not more than 1 year or both. 18 U.S.C. § 3615

RESTITUTION

If you are convicted of an offense under Title 18, U.S.C., or under certain air piracy offenses, you may also be ordered to make restitution to any victim of the offense, in addition to, or in lieu of any other penalty authorized by law. 18 U.S.C. § 3663

APPEAL

If you appeal your conviction and the sentence to pay your fine is stayed pending appeal, the court shall require:

1. That you deposit the entire fine amount (or the amount due under an installment schedule during the time of your appeal) in an escrow account with the U.S. District Court Clerk, or
2. Give bond for payment thereof.

18 U.S.C. § 3572(g)

PAYMENTS

If you are ordered to make payments to the U.S. District Court Clerk's Office, certified checks or money orders should be made payable to the Clerk, U.S. District Court and delivered to the appropriate division office listed below:

LOUISVILLE: Clerk, U.S. District Court
106 Gene Snyder U.S. Courthouse
601 West Broadway
Louisville, KY 40202
502/625-3500

BOWLING GREEN: Clerk, U.S. District Court
120 Federal Building
241 East Main Street
Bowling Green, KY 42101
270/393-2500

OWENSBORO: Clerk, U.S. District Court
126 Federal Building
423 Frederica
Owensboro, KY 42301
270/689-4400

PADUCAH: Clerk, U.S. District Court
127 Federal Building
501 Broadway
Paducah, KY 42001
270/415-6400

If the court finds that you have the present ability to pay, an order may direct imprisonment until payment is made.