Marketing Operators Sentenced for Conspiracy to Violate The Federal Anti-Kickback Statute



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On April 21, 2025, the United States Attorney for the District of New Jersey announced that two operators of a New Jersey marketing company were sentenced to prison for conspiracy to violate the Federal Anti-Kickback Statute and conspiracy to commit health care fraud.

Eric Karlewicz and Nicco Romanowski arranged for the employees of Empire Pain Center Holdings LLC to identify and target Medicare and Tricare beneficiaries to convince them to accept durable medical equipment (DME), regardless of medical necessity. Karlewicz and Romanowski paid these employees bonuses in order to incentivize them to increase the number of beneficiaries targeted. Karlewicz and Romanowski also paid kickbacks to telemedicine companies, which then paid kickbacks to doctors in exchange for providing prescriptions for DME without evaluating the patient or sometimes without even speaking to the patient. Karlewicz and Romanowski distributed the prescriptions to DME suppliers throughout the United States, with which Empire had additional kickback arrangements. The DME suppliers submitted reimbursement claims to federal programs and sent part of the proceeds to Empire. Empire received over $63 million from DME suppliers through this scheme.

Karlewicz was sentenced to 51 months in prison and ordered to forfeit over $63 million. Romanowski was sentenced to 80 months in prison and ordered to forfeit over $5.5 million. They were also ordered to pay $127.6 million in restitution. Karlewicz and Romanowski also settled related civil charges by admitting to violating the False Claims Act, agreeing to a $63.8 million consent judgment. The civil lawsuit was brought under the whistleblower provision of the False Claims Act. The whistleblower will receive a portion of the funds recovered by the United States.

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