

program, and included 7 counts of Health Care Fraud, 2 counts of Wire Fraud, 1 count of Conspiracy to Commit Wire Fraud and Health Care Fraud, and 1 count of Conspiracy to Violate the Anti-Kickback Statute and the Travel Act. The indictment accused Defendant of the following acts and conspiracies to act between 2013 and 2015:

- a. In conjunction with and at the direction of a co-conspirator who was not a medical professional, signing and transmitting compounding prescriptions for individuals who were not patients and with whom there was no Doctor/Patient relationship, for the purpose of receiving monetary kickbacks from 1 of 2 compounding pharmacies once the Pharmacy Benefits Administrator covered the compounding prescription at thousands of dollars per month per prescription;
 - b. In conjunction with and at the direction of a co-conspirator who was not a medical professional, persuading patients to agree to receive certain compounding prescriptions without a medical necessity, without consideration of non-compounding medications or appropriate over-the-counter medications, without evaluating whether the medication would have any adverse effect on the patient, and then signing said prescriptions and transmitting to 1 of 2 pharmacies for the purpose of receiving monetary kickbacks from said pharmacies once the Pharmacy Benefits Administrator covered the compounding prescription at thousands of dollars per month per prescription;
 - c. Accepting monetary kickbacks in exchange for referring patients' samples of blood, urine, and other biological materials for testing at a particular laboratory instead of other laboratories;
 - d. Unlawfully enriching himself by violating Federal health care law involving a government health care program.
7. Pursuant to a plea agreement with the U.S. Attorney's Office, Defendant plead "guilty" and was subsequently convicted on June 15, 2020 of 1 count of Knowingly and Willfully Conspiring to Commit Wire Fraud and Health Care Fraud in violation of Title 18 U.S.C. § 1349, and 1 count of Knowingly and Intentionally Conspiring to Violate the Anti-Kickback Statute and the Travel Act in violation of Title 18 U.S.C. § 371. Pursuant to his plea agreement, the remaining 9 charges were dismissed.
8. Upon his conviction, Defendant was sentenced to a term of fifteen (15) months in prison, with a mandatory post-imprisonment supervision term of three (3) years. Additionally, Defendant was ordered to repay restitution of \$1,905,812.06 which was the amount of loss occurring as a result of Defendant's crimes. Furthermore, the Defendant agreed to forfeit assets equivalent to \$54,000.00, which was the amount of property obtained from gross proceeds traceable to the Federal health care crimes for which Defendant was convicted. As part of the plea agreement, Defendant agreed that he had "abused a position of trust and used a special skill in a manner that significantly facilitated the commission of the offense."

III. VIOLATIONS

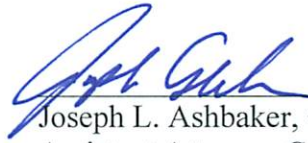
9. Based on the foregoing, Defendant is guilty of unprofessional conduct as follows:

- a. The conviction of a felony or of any offense involving moral turpitude, in violation of 59 O.S. § 509(5) and Okla. Admin. Code § 435:10-7-4(10).
- b. Procuring, aiding or abetting a criminal operation in violation of 59 O.S. § 509(1).
- c. Conduct likely to deceive, defraud, or harm the public, in violation of 59 O.S. § 509(8) and Okla. Admin. Code § 435:10-7-4(11).
- d. The commission of any act which is a violation of the criminal laws of any state when such act is connected with the physician's practice of medicine, in violation of 59 O.S. § 509(9).
- e. The violation, or attempted violation, direct or indirect, of any of the provisions of the Act, either as principal, accessory or accomplice, in violation of 59 O.S. § 509(13).
- f. Obtaining any fee by fraud, deceit, or misrepresentation, including fees from Medicare, Medicaid, or insurance, in violation of Okla. Admin. Code § 435:10-7-4(28).
- g. Directly or indirectly giving or receiving any fee, commission, rebate, or other compensation for professional services not actually and personally rendered, in violation of Okla. Admin. Code § 435:10-7-4(30).
- h. Abuse of physician's position of trust by coercion, manipulation or fraudulent representation in the doctor-patient relationship, in violation of Okla. Admin. Code § 435:10-7-4(44).
- i. Failure to establish a physician/patient relationship prior to providing patient-specific medical services, care or treatment, in violation of 59 O.S. § 509((12) and Okla. Admin. Code § 435:10-7-4(49).
- j. Violation of any provision(s) of the medical practice act or the rules and regulations of the Board or of any action, stipulation, or agreement of the Board in violation of Okla. Admin. Code § 435:10-7-4(39).

V. CONCLUSION

Given the foregoing, the undersigned respectfully requests the Board conduct a hearing, and, upon proof of the allegations contained herein, impose such disciplinary action as authorized by law, up to and including suspension or revocation and any other appropriate action with respect to Defendant's professional license, including an assessment of costs and attorney's fees incurred in this action as provided by law.

Respectfully submitted,

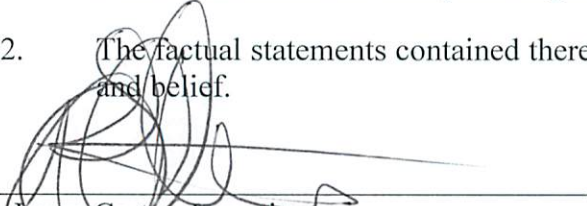


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VERIFICATION

I, Larry Carter, under penalty of perjury, under the laws of the State of Oklahoma, state as follows:

1. I have read the above Complaint regarding Daniel Oswari, M.D.; and
2. The factual statements contained therein are true and correct to the best of my knowledge and belief.



Larry Carter, Investigator
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

Date: 18 April 2023

Oklahoma County, OK
County, State of Execution