Two New York Men Charged With HIV Medication Fraud and Identity Theft

They're accused of illegally obtaining 693 fraudulent prescriptions to treat HIV and other illnesses worth about $2.6 million.

July 10, 2025 By Laura Schmidt

Two New York men have been charged with participating in a scheme to obtain and sell fraudulent high-cost medications for the treatment of HIV and other diseases by posing as health care practitioners and their patients, according to a press release from the office of the United States Attorney for the Southern District of New York, Jay Clayton.

"As alleged, the defendants stole the identities of doctors and patients to convert valuable lifesaving medications into a source of illicit profits," Clayton said in the release. "By feeding the black market for prescription medications, the defendants' alleged crimes endangered the safety of patients and undermined the integrity of our health care system."

From at least around August 2021 to present day, Josue Torres, 45, and Anthony Guerra, 37, participated in a scheme to illegally acquire and sell high-cost prescription medications for HIV and other diseases, including Biktarvy, Odefsey and Dovato, according to text messages obtained by prosecutors.

In total, Torres, Guerra and other coconspirators obtained 693 fraudulent prescriptions, including prescription refills, worth about $2,638,581.

"Josue Torres and Anthony Guerra allegedly procured and resold hundreds of illegitimate prescriptions through unauthorized access to pharmaceutical databases and co-pay assistance," said FBI assistant director Christopher Raia. "These defendants allegedly exploited private medical information of both practitioners and patients to perpetuate this elaborate scheme. The FBI remains committed to apprehending any individual who steals medications for illicit black-market profits."

Torres and Guerra accessed e-prescribing platforms to obtain fraudulent high-cost medication prescriptions for patients who did not require them, according to the complaint.

By using co-pay assistance programs and fake co-pay assistance cards, the men secured significantly reduced co-pay amounts for fraudulent prescriptions. Defendants then picked up prescriptions at pharmacies or had them shipped to a physical address.

If charged with one count of conspiracy to commit wire fraud and health care fraud, the two men face a maximum sentence of 20 years in prison each. If charged with aggravated identify theft, the men face a mandatory minimum sentence of two years in prison.

“Together with our partners at the FBI, we are committed to bringing to justice those who seek to profit by defrauding pharmacies, drug manufacturers, distributors and insurers,” Clayton said.

Unfortunately, health fraud scams occur often and can be committed by medical providers, patients and other people who intentionally deceive the health care system to receive illegal benefits or payments.

In 2022, a Miami businessman was arrested and charged with allegedly distributing over $230 million in “adulterated and misbranded” prescription HIV meds. Prosecutors claimed the scheme took place between 2019 and 2021 and that the culprit laundered hundreds of millions of dollars through various Miami businesses.

Earlier this year, national HIV care provider Vivent Health issued a warning regarding scammers falsely claiming to be recruiters for the company.

The general public should always be alert to potential frauds and schemes. Online scammers often pretend to be from an organization you know, pressuring you to act immediately to fix an urgent problem or even threatening to arrest you. Scammers may also insist you pay them using specific methods, including gift cards, bank wires or mobile payment apps, according to the Federal Trade Commission.

To learn more, click #Fraud. There, you’ll see headlines such as “Gilead Alleges HIV Medication Counterfeiting Operation in NYC Pharmacies,” “10 Charged for Operating $20M HIV Medicine Fraud” and “Scuba Trips Weren’t Part of Professor’s HIV Research, Finds Fraud Lawsuit.”

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