

2/4/2020  
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JN/ABS:MGD  
F. #2019R00960

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

LUIS SORIANO,

Defendant.

----- X

THE UNITED STATES CHARGES:

INTRODUCTION

At all times relevant to this Information, unless otherwise indicated:

I. The Defendant and Related Entities

1. The defendant LUIS SORIANO was employed as a licensed emergency medical technician in the New York area since approximately 2006.
2. Hospital A, an entity the identity of which is known to the United States, was a hospital located in the Southern District of New York.
3. Hospital B, an entity the identity of which is known to the United States, was a hospital located in the Eastern District of New York.
4. Hospital C, an entity the identity of which is known to the United States, was a hospital located in the Eastern District of New York.
5. In or about and between 2009 and 2014, the defendant LUIS SORIANO was employed at Hospital A as a patient caretaker, in which capacity he worked

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ JAN 29 2020 ★

BROOKLYN OFFICE

I N F O R M A T I O N

Cr. No. 20-CR 4  
(T. 18, U.S.C., §§ 2 and 3551 et seq.;  
T. 42, U.S.C., §§ 1320d-6(a)(3) and  
1320d-6(b)(3))

directly with patients. In or about and between 2014 and 2017, SORIANO was employed at Hospital B as an emergency department technician, in which capacity he worked directly with patients. In or about and between 2017 and 2019, SORIANO was employed at Hospital C as a telemetry technician, in which capacity he was responsible for remotely monitoring patient vital signs.

II. The Health Insurance Portability and Accountability Act

6. The Health Insurance Portability and Accountability Act of 1996 (“HIPAA”), 42 U.S.C. § 1320d, et seq., was enacted, in part, to limit the circumstances in which patients’ confidential medical information (“individually identifiable health information”) could be used, obtained or disclosed. HIPAA’s security and privacy regulation, codified at 45 C.F.R. §§ 160 and 164, applied to health care providers, among others, who transmitted any health information in electronic form in connection with a transaction covered by the regulations.

7. HIPAA’s criminal provision, 42 U.S.C. § 1320d-6, prohibited the use, acquisition or disclosure of individually identifiable health information maintained by a covered entity without patient authorization, unless such use, acquisition or disclosure was otherwise permitted by HIPAA and its regulations.

8. Hospitals A, B and C (collectively, the “Hospitals”) were covered entities within the meaning of HIPAA.

III. The Scheme

9. In or about and between approximately June 2012 and August 2019, the defendant LUIS SORIANO, together with others, engaged in a scheme to disclose individually identifiable health information to others, contrary to HIPAA.

10. Specifically, in the course of his employment at each of the Hospitals, the defendant LUIS SORIANO acquired individually identifiable health information (the “Health Information”) pertaining to certain patients, including the patients’ names, telephone numbers, medical conditions and the approximate dates of, and reasons for, the patients’ hospitalization. The Health Information acquired by SORIANO was “individually identifiable health information” within the meaning of HIPAA and was protected from unauthorized disclosure under HIPAA.

11. In furtherance of the scheme, the defendant LUIS SORIANO disclosed the Health Information of numerous patients at each of the Hospitals without authorization and for reasons other than permitted by HIPAA and its regulations. In particular, SORIANO disclosed the Health Information to others without authorization, including to Individual A, an individual known to the United States, in exchange for payments totaling between approximately \$100,000 and \$150,000.

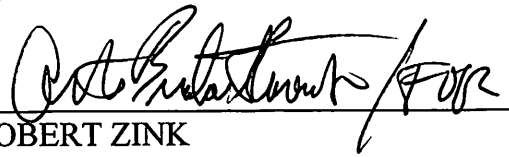
WRONGFUL DISCLOSURE OF INDIVIDUALLY IDENTIFIABLE  
HEALTH INFORMATION

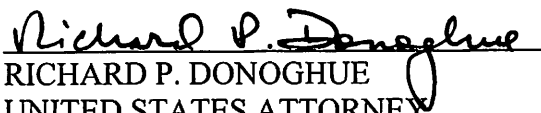
12. The allegations contained in paragraphs one through 11 are realleged and incorporated as if fully set forth in this paragraph.

13. In or about and between June 2012 and August 2019, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the

defendant LUIS SORIANO, together with others, did knowingly and without authorization disclose individually identifiable health information, to wit: the names and telephone numbers of patients seeking treatment at SORIANO's places of employment, together with such patients' medical conditions and the approximate dates of, and reasons for, such patients' hospitalization, maintained by a covered entity, to wit: the Hospitals, to another person, without patient authorization and for a reason other than permitted by HIPAA and its regulations, with the intent to sell, transfer and use such individually identifiable health information for commercial advantage, personal gain and malicious harm.

(Title 42, United States Code, Sections 1320d-6(a)(3) and 1320d-6(b)(3); Title 18, United States Code, Sections 2 and 3551 et seq.)

  
ROBERT ZINK  
CHIEF, FRAUD SECTION  
CRIMINAL DIVISION  
U.S. DEPARTMENT OF JUSTICE

  
RICHARD P. DONOGHUE  
UNITED STATES ATTORNEY  
EASTERN DISTRICT OF NEW YORK

No.

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**UNITED STATES DISTRICT COURT**

*EASTERN District of NEW YORK*

CRIMINAL DIVISION

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THE UNITED STATES OF AMERICA

vs.

*LUIS SORIANO,*

Defendant.

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**INFORMATION**

(T. 18, U.S.C., §§ 2 and 3551 et seq.; T. 42, U.S.C.,  
§§ 1320d-6(a)(3), 1320d-6(b)(3))

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*A true bill.*

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*Foreperson*

*Filed in open court this* \_\_\_\_\_ *day,*

*of* \_\_\_\_\_ *A.D. 20* \_\_\_\_\_

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*Clerk*

*Bail, \$* \_\_\_\_\_

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*Miriam L. Glaser Dauermann, Trial Attorney, U.S. Dep't of Justice*  
*(718) 254-7575*

2/1/20  
RD  
7P

TO: Clerk's Office  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ JAN 29 2020 ★



BROOKLYN OFFICE

APPLICATION FOR LEAVE  
TO FILE DOCUMENT UNDER SEAL

\*\*\*\*\*

USA

-v.-

John Doe

20 CR 004  
Docket Number

\*\*\*\*\*

SUBMITTED BY: Plaintiff Defendant DOJ  
Name: Chambers of Judge Deery Hall  
Firm Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_  
E-Mail Address: \_\_\_\_\_

INDICATE UPON THE PUBLIC DOCKET SHEET: YES NO  
If yes, state description of document to be entered on docket sheet:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

A) If pursuant to a prior Court Order:  
Docket Number of Case in Which Entered: \_\_\_\_\_  
Judge/Magistrate Judge: \_\_\_\_\_  
Date Entered: \_\_\_\_\_

B) If a new application, the statute, regulation, or other legal basis that authorizes filing under seal

\_\_\_\_\_  
\_\_\_\_\_

ORDERED SEALED AND PLACED IN THE CLERK'S OFFICE,  
AND MAY NOT BE UNSEALED UNLESS ORDERED BY  
THE COURT.

DATED: \_\_\_\_\_, NEW YORK

U.S. DISTRICT JUDGE/U.S. MAGISTRATE JUDGE  
RECEIVED IN CLERK'S OFFICE \_\_\_\_\_  
DATE

**MANDATORY CERTIFICATION OF SERVICE:**

A.) \_\_\_ A copy of this application either has been or will be promptly served upon all parties to this action, B.) \_\_\_ Service is excused by 31 U.S.C. 3730(b), or by the following other statute or regulation: \_\_\_\_\_; or C.) \_\_\_ This is a criminal document submitted, and flight public safety, or security are significant concerns.  
(Check one)

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE