

DOJ Raids of Health Care Providers

Department of Justice Action

The 2019 National Drug Control Strategy established that “[t]he President’s top priority is to address, head on, the current opioid crisis and reduce the number of Americans dying from these dangerous drugs.”

The Department of Justice (DOJ) vowed to “use every criminal, civil, and regulatory tool possible to target, prosecute and shut down” entities whose conduct it deems unlawful.

It then established multiple task forces to achieve this goal:

- Opioid Fraud and Abuse Detection Unit
- Prescription Interdiction & Litigation (PIL) Task Force
- Prescription Opioid Task Force
- Appalachian Regional Prescription Opioid (ARPO) Strike Force

During a 45-day surge that culminated in April 2018, the DOJ:

- Made 28 arrests, and
- Took 337 other investigative and administrative actions.

In June 2018, the DOJ and HHS announced health care fraud charges against 601 defendants – 162 of whom faced charges related to the prescribing or distribution of opioids and other substances.

In April 2019, federal prosecutors charged 60 physicians and pharmacists with illegally providing opioid prescriptions in what they say is the biggest crackdown of its kind in U.S. history.

On August 28, 2019, the DOJ charged 41 individuals in nine indictments for their alleged involvement in a network of “pill mill” clinics and pharmacies. DEA also served Immediate Suspension Orders (ISOs) on seven pharmacies and two providers whom it states were involved in dispensing controlled substances without a legitimate medical purpose.

On September 18, 2019, the DOJ charged 58 individuals across all four federal districts in Texas for involvement in Medicare fraud schemes and networks of “pill mill” clinics. Of those charged, 16 were doctors or medical professionals, and 20 were charged for their role in allegedly diverting opioids.

On September 24, 2019, second coordinated law enforcement action of the ARPO Strike Force resulted in charges against 13 individuals across five federal districts for the alleged over prescription of controlled substances through “pill mill” clinics. Of those charged, 12 were charged for their role in unlawfully distributing opioids and other controlled substances and 11 were physicians. The alleged conduct resulted in the distribution of more than 17 million pills.

On September 26, 2019, the DOJ charged 48 individuals for their roles in allegedly submitting fraudulent claims. Of those charged, 15 were doctors or medical professionals, and 24 were charged for their roles in allegedly diverting opioids.

Targeting Respected Physicians

Not all health care providers who are subject to DOJ raids are “dirty docs.” In fact, some of them are among the most respected names in their fields.

Dr. Lynn Webster

Dr. Webster is a past president of the American Academy of Pain Medicine.

He has authored more than 300 scientific abstracts, manuscripts, journal articles, and books, many of them about preventing opioid abuse and criminal diversion in the treatment of pain.

In 2010, the DEA raided Dr. Webster’s Utah clinic.

Dr. Webster then spent four years under DOJ investigation, which ended when the DOJ announced it would not prosecute him.

By that time, his reputation was tainted by the investigation and the related media coverage.

Dr. Forrest Tennant

Dr. Tennant is a previous editor-in-chief of the *Practical Pain Management* medical journal; a past mayor of West Covina, California; and a recipient of a lifetime achievement award from his colleagues for his contributions to pain medicine.

He typically treated individuals with cancer or other complex conditions who otherwise had difficulty obtaining effective treatment.

After two years of investigation, DEA agents raided his home and offices.

They did not find enough evidence to charge him with a crime, but he retired due to the stress the raids caused.

One Tennant patient said, “I believe many of Dr. Tennant’s patients will die because they will never find another doctor to treat their painful condition.”

Dr. Stuart Gitlow

Dr. Gitlow is a board-certified psychiatrist and a past president of the American Society of Addiction Medicine (ASAM).

In 2001, he published the book *Practical Guides in Psychiatry: Substance Use Disorder*. He has served as the chief medical officer for The Recovery Research Network, an adult-only, outpatient treatment program, since 2017.

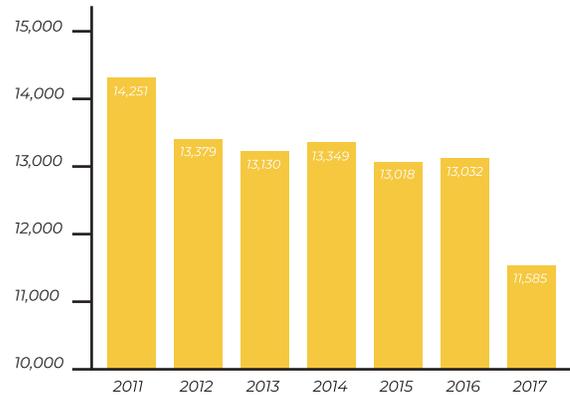
In March 2018 FBI agents raided his medical offices and his home. As of October 2019, the investigation remains open.

Other Drugs Now Driving the Crisis

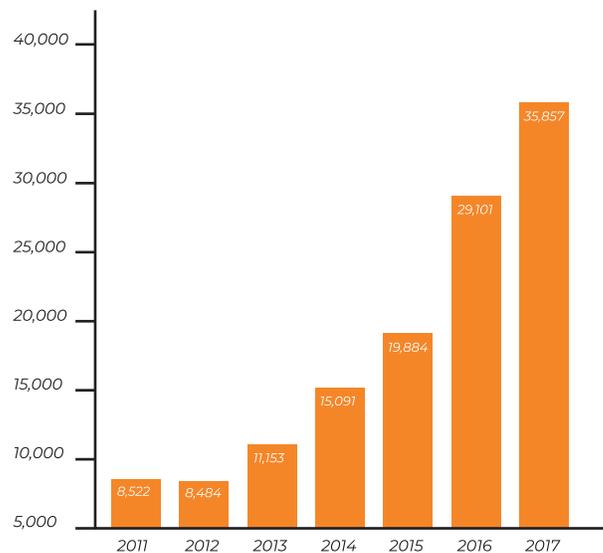
Partially as a result of the DOJ’s crackdown, opioid analgesic prescribing has decreased by 28% from 2012 to 2017.

As a result, overdoses and deaths involving illicit opioids such as heroin and fentanyl have increased.

The number of deaths involving prescription opioids has been more or less stagnant since its peak in 2011.



Over the same time period, the number of deaths involving illicit opioids has skyrocketed.



Defining Liability Under the Controlled Substances Act (CSA)

Under the CSA, the DOJ has the authority to investigate and prosecute controlled medication prescribers and dispensers.

In prescribing cases under the CSA, federal courts determine criminal liability based on whether:

- The practitioner knowingly and intentionally furnished a prescription for a controlled medication;
- The practitioner's behavior served a "legitimate medical purpose;" and
- The practitioner acted within "the usual course of medical practice."

Steps two and three of this test require an assessment of the medical condition of the individual who has received the prescription and an evaluation of whether the treatment that the professional provided to the patient was consistent with the standards of the profession.

Capabilities of State Medical Boards

Health-professional licensing boards operate under a finite mission of keeping patients safe. Their responsibilities include providing guidance to licensees on best practices or specific medical topics.

Members of licensing boards include health care professionals with knowledge of the medical standard of care. Their staff members also have specialized knowledge, and the vast majority of them have non-practitioner members to represent the interests of the public.

Licensing boards' processes provide accused professionals investigative transparency and an opportunity to be heard.

To learn more, read:

CUSP Chairman Michael Barnes's article, [A More Sensible Surge: Ending DOJ'S Indiscriminate Raids of Healthcare Providers](#)

Pat Anson's article, [Pain Doctor on DOJ Settlement: 'It Was Extortion'](#)

Maia Szalavitz's article, [The Feds are Raiding the Offices of Doctors Who Prescribe Addition Medication](#)

Mike Stankiewicz's article, [DOJ Raids Could Be Making Opioid Crisis Worse: Report](#)