

Root Cause

IN THIS CASE: This is a real case from the United States District Court for the Eastern District of Kentucky northern division in Covington. This case underscores the potential risks of prescribing controlled substances and why it should be done with extreme caution.



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The Patient

The patient was a 24-year-old female who unfortunately and tragically passed away.

Relevant Facts

The dentist, after facing trial in a Federal Court, was found guilty by a jury for committing the illegal act of prescribing substances under his control to the patient without any valid medical reasoning. Having overdosed on the prescribed substances (Morphine), the patient ultimately died.

The Indictment

The dentist in this case “did knowingly and intentionally distribute and dispense controlled substances pursuant to prescriptions that were not issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice.”

The Court records that were available did not specify what treatment the patient received. They simply stated that it was the finding of the Court that the controlled substance prescriptions were not for a “legitimate medical purpose.”

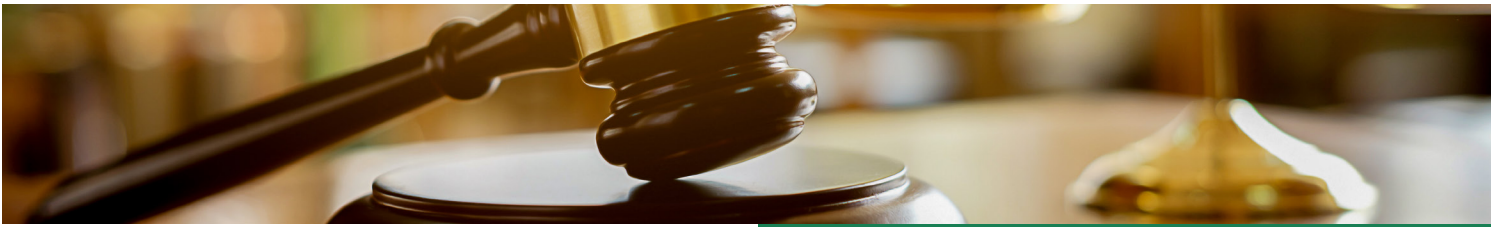
In each instance, the dentist prescribed controlled substances to the patient. The dentist was charged with 5 counts:

- **Counts 1-4:** Distribution of Schedule II controlled substances unlawfully may result in a penalty of “...Not more than 20 years imprisonment, a fine of not more than \$1,000,000, and supervised release of at least 3 years.”
- **Count 5:** Distribution unlawfully of Schedule II controlled substances resulting in death, “... A term of imprisonment of not less than 20 years or more than life, a \$1,000,000 fine and at least 6 years supervised release.”



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Following a trial in Federal Court, the jury returned verdicts of “not guilty” for Counts 1-3; however, the jury returned “guilty” verdicts for Counts 4 & 5.

It's important to note that expenses to defend a criminal indictment in Federal Court can be in the hundreds of thousands of dollars and is not covered by malpractice insurance. Even though the defendant was found not guilty on some counts, being found guilty on Counts 4 & 5 means they could face a prison sentence of at least 20 years and a possible life sentence for Count 5. Additionally, they could receive a maximum sentence of 20 years in prison for the distribution charge on Count 4.

The Outcome

Tragically, a 24-year-old young woman has died, and the dentist's life and career have been forever ruined. The sentencing stage is ongoing as of this writing, and there is no definite outcome yet. Unfortunately, the dentist is presently confronted with a catastrophic occurrence that shall, in all probability, culminate in his incarceration for a significant period of time (likely revocation of his professional license), owing to the demise of a patient caused by his wrongful and criminal conduct.

Risk Management Pointers

This case reminds us of the following:

- **Prescribing controlled substances should be undertaken with extreme caution.** Documenting the clinically-sound predicate for a controlled substance prescription is essential.
- **Prescribing controlled substances should comport with Federal and State Law.**
- **Never prescribe a controlled substance for anything other than a legitimate medical purpose.**
- **Controlled substance prescriptions should be for the minimum necessary number of pills or capsules.** The minimum necessary number of pills or capsules is based on state and federal prescribing mandates and guidelines.
- **Prescribing controlled substances unlawfully can create catastrophic risks for the practitioner and the patient.**

