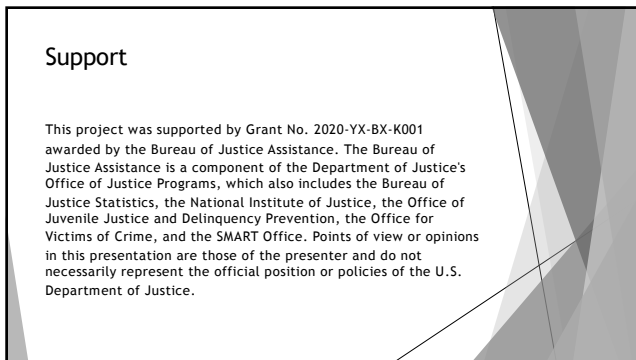
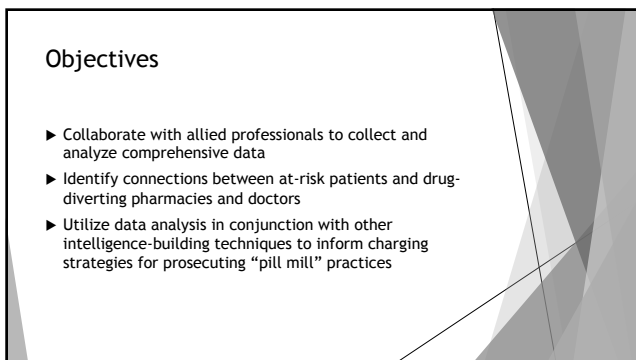


1



2



3

What kinds of defendants are we looking for?

- ▶ Bad doctors
- ▶ Bad pharmacists
- ▶ Patients with criminal intent and at-risk patients

4

Using Data to Identify Defendants

- ▶ Prescription history data - doctor shopper Reports
- ▶ Data from overdose deaths from medical examiners' offices
- ▶ Data from EMS or hospitals for "overdose transfers"
- ▶ Possession of Controlled Substance charges or arrest data

5

Using Data to Identify Defendants

- ▶ Prescription history data - doctor shopper Reports
- ▶ Data from overdose deaths from medical examiners' offices
- ▶ Data from EMS or hospitals for "overdose transfers"
- ▶ Possession of Controlled Substance charges or arrest data

Goal: to identify patients of interest... but why?

6

Aggregating Data

Issue Date	Fill Date	Encrypted Patient #	Patient City	Pat #	Encrypted Prescriber DEA #	Drug	Drug Strength
1/3/2017	01/03/2017	7778879388836	NEW CANEY TX		707157607866	CARISOPRODOL	350 MG
01/01/2016	01/08/2016	83788579477828	CONROE TX		667070300476	CLONAZEPAM	1 MG
01/01/2017	01/03/2017	74696678363384	SPIENDORA TX		667828707192	OXYMORPHONE HCL	16 MG
01/01/2017	01/02/2017	76656778344034	VILLIS TX		668096092388	GUAFENESIN AND	10 MG'S ML-100 MG
01/01/2017	01/02/2017	77896664561166	VILLIS TX		778450734818	ACETAMINOPHEN	325 MG-6 MG
01/01/2017	01/03/2017	75896587401490	CONROE TX		708343687008	ACETAMINOPHEN	325 MG-5 MG
01/01/2017	01/03/2017	76897165423486	CONROE TX		6677156336966	HYDROCODONE BT	325 MG-15 ML-7.5 M
01/01/2017	01/02/2017	74697469356058	CONROE TX		7066103786002	Tramadol Hydrochloride	50 mg/1
01/01/2017	01/02/2017	75896587401490	CONROE TX		708343687008	ACETAMINOPHEN	325 MG-5 MG
01/01/2018	01/01/2018	69657776144936	THE WOODLANDS TX		70672672088	TRAMADOL HCL	50 MG
01/01/2018	01/01/2018	75897469128228	MAGNOLIA TX		707288994144	TRAMADOL HCL	50 MG
01/01/2018	01/01/2018	84658484481806	CONROE TX		777336880434	ACETAMINOPHEN	300 MG-30 MG
01/01/2018	01/02/2018	82657083531558	VILLIS TX		777336880434	AMPHETAMINE SAL	20 MG
01/01/2018	01/01/2018	83680804834462	PINEHURST TX		668097046208	BUTALBITAL-ASPIR	325 MG-50 MG-40 M
01/01/2018	01/01/2018	67767284302508	THE WOODLANDS TX		706981235782	TRAMADOL HCL	50 MG
01/01/2018	01/01/2018		THE WOODLANDS TX		657157576978	HYDROCODONE BT	325 MG-10 MG

7

Outliers

0567145613232	3
0567156603402	1
0567165418992	1
0567188283304	2
0567170186390	2
0567171077346	2
0567175712598	18
056723564610	6
056724219576	1
858720714752	2
0567462372790	1
056745551520	10
056757932712	14
0568117452465	188
0568117495378	4
0568134592030	9
0568135999342	12
0568149340546	439
0568164971080	5
0568172737774	1
056887212822	55
0568811448436	8
056846976346	3
056849140630	27
056848348862	1
056851378804	400
056852984506	1
0569134593146	521
0569139136328	2
0569156605040	1
0569101384345	21
0569171131876	11

8

Who and how does this data identify?

- ▶ Bad doctors
- ▶ Bad pharmacists
- ▶ Patients with criminal intent and at risk patients (except overdose death patients)
 - ▶ Patients who are doctor shoppers and/or suffered non-fatal overdoses
 - ▶ Patients who have suffered multiple non-fatal overdoses
 - ▶ Patients who may have been arrested and suffered non-fatal overdoses

9

Other Sources of Data

- ▶ Problem patients' prescription history reports
 - ▶ Other doctors prescribing to these patients
- ▶ Anecdotal
 - ▶ Other doctors
 - ▶ Small pharmacies
 - ▶ Nursing community
 - ▶ Hospital staff
- ▶ Outlier Doctor prescription history reports
 - ▶ Out-of-county patients

10

What if my data is limited?

11

What if my data is limited?

Start with overdose death data

12

Types of Crimes - Doctors

- ▶ State corollaries to *prescribing without a legitimate medical purpose or outside the scope of a legitimate medical practice*
- ▶ Health Insurance Fraud/Theft/Money Laundering
- ▶ Possession of a Controlled Substance
- ▶ Regulatory Crimes examples
 - ▶ Required certificates
 - ▶ Improper delegation
 - ▶ False or fictitious prescriptions
 - ▶ Non-therapeutic prescribing
 - ▶ Prescribing to "known" abusers

13

Outside of the Local Criminal Process

- ▶ Report to the Drug Enforcement Administration (DEA)
- ▶ Report to regulatory agency
 - ▶ Medical Boards
 - ▶ Nursing Boards
 - ▶ Pharmacy Boards

14

Evidence to Look for: Deceased Patients

- ▶ What was their cause of death?
- ▶ What medication was on scene?
- ▶ What did their prescription history say?
- ▶ What kinds of red flags were known to their family and close friends?
- ▶ What kinds of red flags were known or should have been known by their doctors?
- ▶ What kinds of medical care were they getting?
- ▶ What kinds of treatments were they getting other than prescription drugs?

15

Evidence to look for: Undercover or Confidential Informant Work

- ▶ To establish the basics
- ▶ Confidential informants with current prescription history work the best!

16

Evidence to look for: the Search Warrant Execution

- ▶ Almost a must to have a computer forensics expert on scene
- ▶ Be picky about what is taken
- ▶ Search for controlled substances
- ▶ Have your expert on call to ask questions about what he is going to want to see when he reviews the evidence

17

Cases Against Doctors: Some Examples

- ▶ The Traditional Pill Mill
- ▶ The Procedure Farm
- ▶ The Sympathetic Doctor
- ▶ The Struggling Doctor

18

Rewards from the Process

- ▶ Puts bad doctors on notice
- ▶ Puts bad pharmacies on notice
- ▶ Creates faith in the process from good doctors
- ▶ Identifies at-risk patients that may be helped
- ▶ Helps family members of deceased victims find closure

19

Some Points about Patient-Defendants

- ▶ There is a difference between a patient who is an addict and a patient who is profiting
 - ▶ Considerations in plea bargaining
 - ▶ Create strict conditions on probation
- ▶ Their prescription history reports may be hearsay
 - ▶ Get copies of the prescriptions directly from the doctors or the pharmacies

20

Delivery Resulting in Death – it’s a crime scene!

- ▶ Phone dumps – no expectation of privacy for deceased
- ▶ Drugs – illicit and prescription drugs are nearby
- ▶ Interview all witnesses
- ▶ Crime scene photos
- ▶ Get as much of the on-scene drugs tested as possible

21

Delivery Resulting in Death – look for other offenses

- ▶ Delivery of Controlled Substance
 - ▶ Even if a case related to the overdose is not strong, a drug dealer may be identified
- ▶ Possession of Controlled Substance
- ▶ Assault

22

Going Forward

- ▶ Collaborate with allied professionals to collect and analyze comprehensive data
- ▶ Identify connections between at-risk patients and drug-diverting pharmacies and doctors
- ▶ Utilize data analysis in conjunction with other intelligence-building techniques to inform charging strategies for prosecuting "pill mill" practices

23

Tamara Holland

Assistant District Attorney
 Montgomery County District Attorney's Office, Texas
tamara.Holland@mctx.org
 936-788-8328

Feel free to contact me!

24