



DDU

Pharmaceutical Drug
Diversion Unit

P.O. Box 27472 * Richmond, VA 23261-7472

S/A G. A. Hopkins
Virginia State Police
Bureau of Criminal Investigation
Drug Diversion Unit
Cell: 804.921.3899
Office: 804.553.3470

Introduction

**“What Does a Doctor Shopper
Look Like?”**



In the news...

- **Covington woman booked with doctor shopping for drugs** – *nola.com*, 2/11/10
 - “State Police arrested a Covington woman who allegedly tried to obtain more than 70 prescriptions from doctors in St. Tammany Parish since the beginning of the year.”
 - **Charged with 72 counts of prescription fraud**
- **Hawkins County doctor indicted; five patients allegedly died in "doctor shopping" scam** – *timesnews.net*, 9/18/08
 - “According to officials, Hancock allegedly charged patients \$80 to \$100 in cash for each visit. They say Hancock continued to prescribe drugs after knowing some patients were abusing and selling them. Hancock is alleged to have prescribed excessive and inappropriate quantities...”
 - **Charged with obtaining money through health care fraud and the unlawful dispensing of controlled substances**
 - **Faces up to life imprisonment and fines of over \$2.5 million**



In the news...

- **2007: Settlement with Purdue Pharma addressed claims of improper marketing of the drug, and resulted in marketing restrictions and cash payments to 26 states and the District of Columbia**



Introduction

First, we must ask:

- What is “doctor shopping?”
- What is drug diversion?



Introduction

Doctor Shopping...refers to the practice of a patient requesting care from multiple physicians, often simultaneously, without making efforts to coordinate care or informing the physicians of the multiple caregivers. This usually stems from a patient's addiction to, or reliance on, certain prescription drugs or other medical treatment.



Introduction

Drug Diversion is...the channeling of controlled substances...which are legally manufactured and intended to be used for medical purposes... by anyone, such as a licensed prescriber, pharmacist, or non-licensed person... for illegal purposes, either for personal use or for distribution to another person.



§ 18.2-258.1

Obtaining drugs, procuring administration of controlled substances, etc., by fraud, deceit or forgery.

ppp

It shall be unlawful for any person to obtain or attempt to obtain any drug or procure or attempt to procure the administration of any controlled substance or marijuana: (i) by fraud, deceit, misrepresentation, embezzlement, or subterfuge; or (ii) by the forgery or alteration of a prescription or of any written order; or (iii) by the concealment of a material fact; or (iv) by the use of a false name or the giving of a false address. ppp

It shall be unlawful for any person to furnish false or fraudulent information in or omit any information from, or willfully make a false statement in, any prescription, order, report, record, or other document required by Chapter 34 (54.1-3400 et seq.) of Title 54.1.

Except as otherwise provided in this subsection, any person who shall violate any provision herein shall be guilty of a Class 6 felony.



Purpose

- Not to train you how to be drug fraud investigators...
- ...provide a background of street level drug diversion and to familiarize you with some of the scams that people use to obtain drugs by fraud





VSP / DDU History

- Formed in the fall of 1987 with State and Federal Grants
- Establish a data base to assist in the identification of the scope of diversion activities within the Commonwealth
- Initially, the focus was toward the investigation of street level diversion, then included the investigation of health care professionals
- Staff included four field investigators, a supervisor, an analyst, and a secretary



VSP / DDU History

- It was determined that for the unit to be effective, Title 54, Code of Virginia, needed to be amended to allow access to medical records by unit personnel. In 1988, the amendment was enacted (prior to HIPPA):



§ 54.1- 3405



Access to and copies of records; inspections

ppp

Any agent designated by the Superintendent of the Department of State Police to conduct drug diversion investigations shall, for the purpose of such investigations, also be permitted access at reasonable times to all such records relevant to a specific investigation and be allowed to inspect and copy such records. ppp

If the original of any record is removed by any agent designated by the Superintendent of State Police, a receipt therefore shall be left with the person ppp

Any information obtained by a designated State Police agent during an inspection under this section which constitutes evidence of a violation of any provision of this chapter shall be reported to the Department of Health Professions upon its discovery. ppp

Any information obtained by an agent designated by the Board during an inspection under this section which constitutes evidence of a violation of Article 1 (§18.2-247 et seq.) of Chapter 7 of Title 18.2 shall be reported to the Department of State Police upon its discovery.



VSP / DDU Today

- Assigned to VSP Drug Enforcement Section
- Authorized strength (statewide):
 - 18 Special Agents
 - 7 supervisors
 - 1 analyst
 - 1 part-time data entry clerk
- 2-3 Agents in each of 7 VSP Field Divisions
- Agents carry about 50+ cases a year



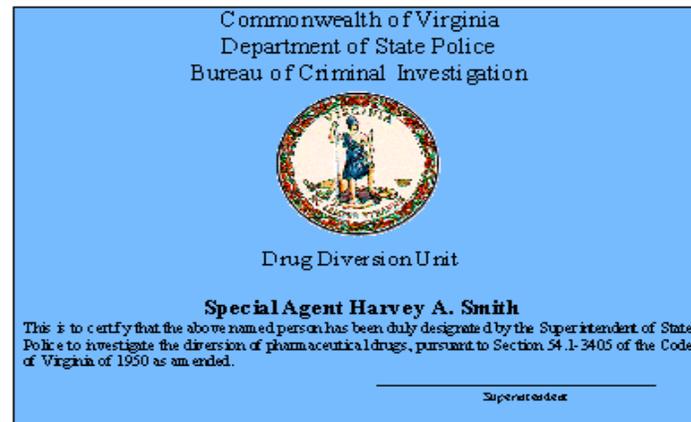
VSP Credentials

Today, all authorized members of D.D.U. carry special credentials that designate them as members of the Virginia State Police, authorized to investigate drug diversion cases.



VSP Credentials

Official VSP Drug Diversion Credential



**Only DDU agents authorized by the Superintendent can have access to any and all records necessary in a diversion investigation*



**“WHAT DOES A DOCTOR SHOPPER
LOOK LIKE?”**





Corey Haim:
*553 prescriptions in the
last year of his life - the
result of doctor
shopping*



Judy Garland:
Overdose of Seconal

Like These People?



Heath Ledger:
*Combined effects of oxycodone,
hydrocodone, diazepam, temazepam,
alprazolam, and doxylamine*





Elvis Presley:

- The official cause of death, then 42, was: cardiac arrhythmia (an irregular heartbeat)
- Further investigations found that the singer had been prescribed between 5,000 and 10,000 pills in the eight-month span before his death
- Presley's doctor explained the open attitude toward prescription drugs: "He felt that by getting [pills] from a doctor, he wasn't the common everyday junkie getting something off the street"



Or These?



There is no typical diverter of prescription drugs. They...

- ...come from all walks of life...
- And are well respected within the community
- Anyone can be involved in drug diversion



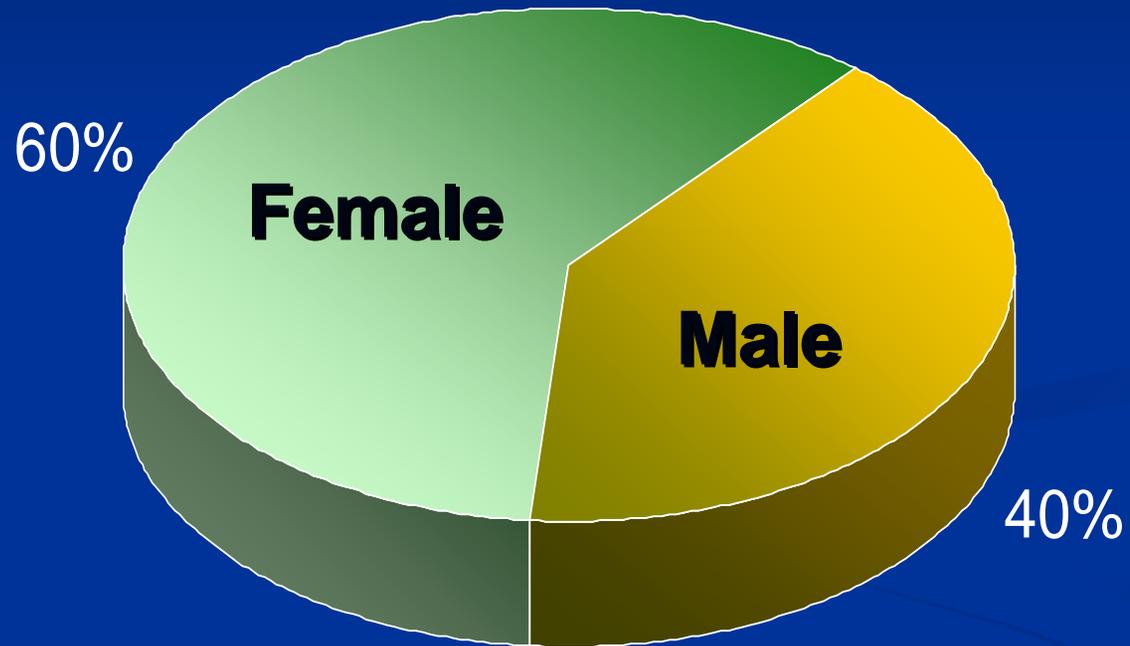
Involvement

Why do some people become involved in drug diversion?

- **To support their drug habit**
 - Many times this habit is a result from a legitimate issue
- **To distribute pharmaceutical drugs – for \$\$\$, scripts or illicit drugs**



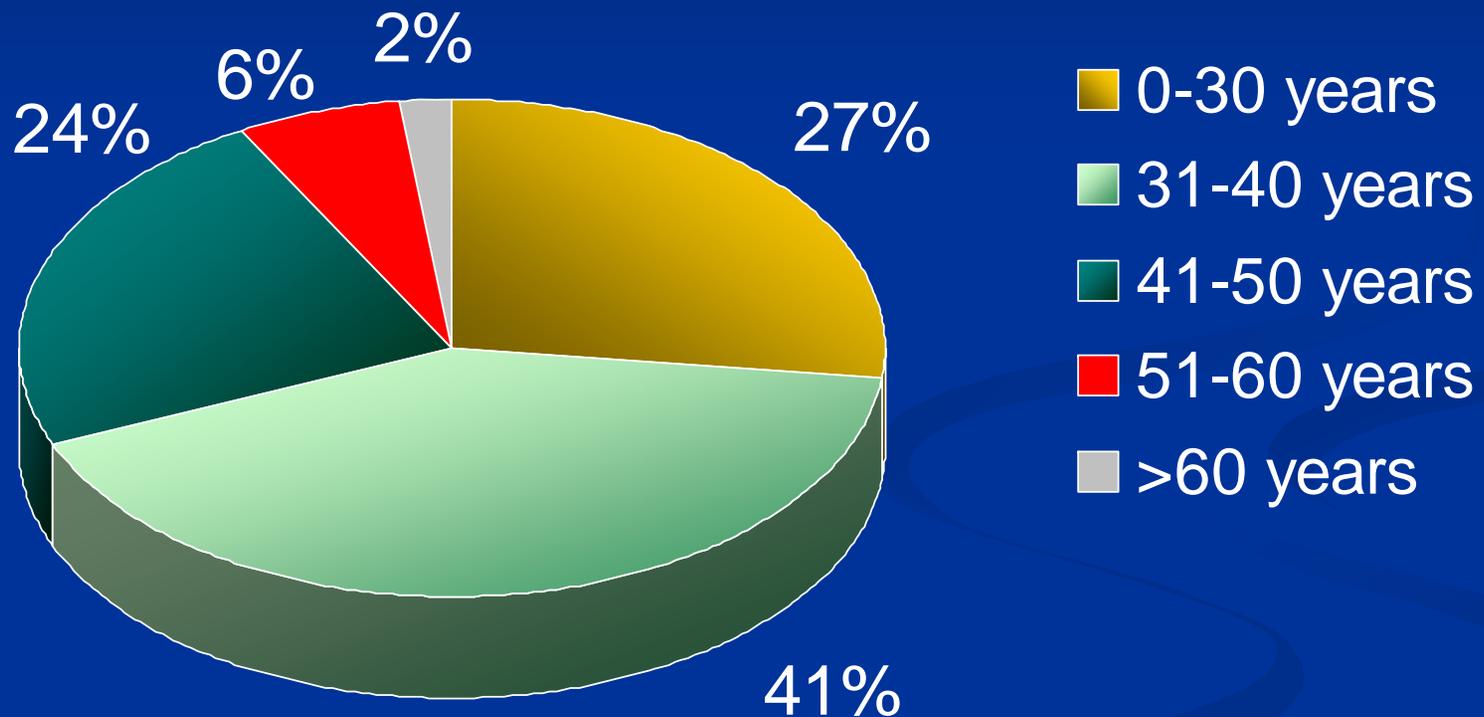
Arrest Demographics - Gender



*VA State Police 1988-2005



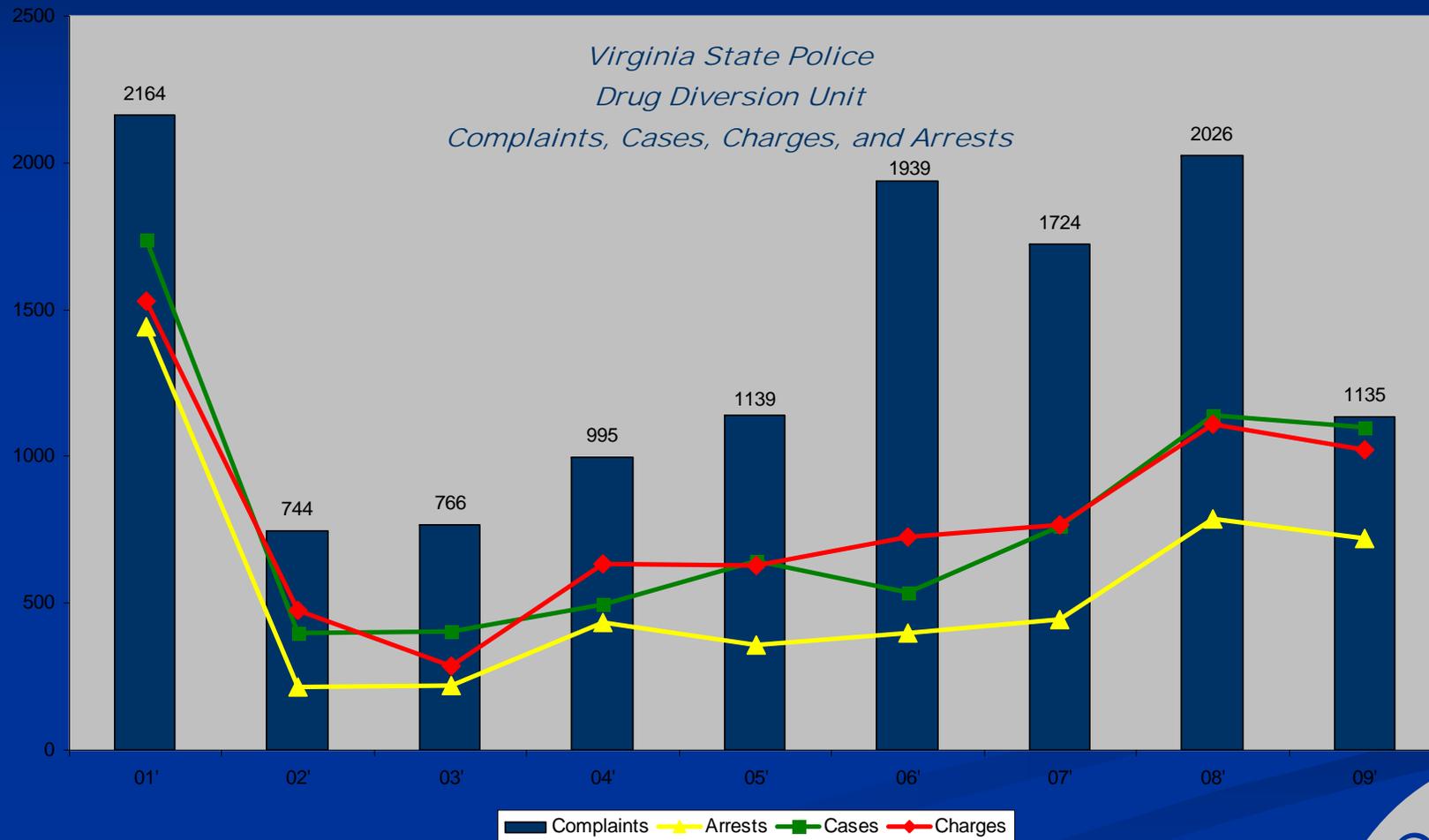
Arrest Demographics - Age



*VA State Police 1988-2005



Arrest Demographics - Year



*VA State Police 2005-2009



Common Methods of Diversion

- **Forgery / stolen pad**
- **Alteration of prescriptions**
- **False call-ins**
- **Diversion by licensed professionals**
- **Illegal Internet purchases**
- **Theft**
- **Doctor Shopping**



Commonly Diverted Drugs

- Percocet
- Lorcet, Lortab, Vicodin (Sch. II in VA, Sch. III Feds)
- Xanax
- Ambien
- Oxycontin
- Others: Soma, Tramadol, etc.



Doctor Shopping - Characteristics

As stated, there is no typical diverter. But each display common characteristics:

- **Demanding. Insist on being prescribed one type of medication even though not the most appropriate**
- **Give textbook signs and symptoms**
- **Vague and hard to diagnose complaints**
- **No regular doctor**
- **No insurance - pay for drugs and doctor visits in cash or...**
- **Use insurance at times / pay cash at times**



Characteristics

- Exaggerate signs and symptoms
- Fail to keep follow up appts / fail to keep appts with specialists
- Claim that drugs or prescriptions were lost or stolen
- Very assertive and overly friendly
- Physical manifestations of drug abuse
- Visit the pharmacy late / near closing time / wkds
- Visit the doctor's office late in the day, close to closing time and on Fridays



Doctor Shopping

- Doctor shoppers include people with valid medical problems - and people without valid medical problems
- Some can become very agitated if the refused a prescription that they want
- Very adept at manipulating the system - they tell a very good story!
- Frequent urgent care type facilities
- Falsify information on registration forms and give the doctor and staff false information when asked if they are seeing any other doctors / using other meds



Doctor Shopping

- Pay cash for visits and prescriptions, if they pay at all. Many simply write bad checks, etc..
- Claim to be from out of town
- Only tell you 1/2 the truth
- Have prescriptions filled at multiple pharmacies – many located far from home
 - As not to raise suspicion



Preventive Measures

- **Ways to prevent being taken advantage of:**
 - **Photo copy identification at reg. and every 6 mo thereafter (easy for patient's to dodge the system by providing different names)**
 - **Pt. questionnaire should contain: other (recent) prescribers, current meds, etc.**
 - **Perform PMP check on patient at intervals**
 - **Document red flags in patient's file**
 - **Better communications between practitioner and pharmacists related to patients in question**
 - **Record amount of meds and number of RF in the patient's chart**
 - **Don't leave "Number of Refills" space blank**



Preventive Measures

- **Ways to prevent being taken advantage of:**
 - **Don't sign prescription blanks in advance**
 - **Write number of pills or ounces in both script and numbers**
 - **Document inquiries from pharmacists in patient's file**
 - **Don't be afraid to ask the patient questions**
 - **Verify the patient's questionnaire**



Additional Stats

- Estimated hospitalizations for poisoning by prescription opioids, sedatives and tranquilizers increased **65 percent** from 1999 to 2006, according to a study in the May edition of the American Journal of Preventive Medicine.
- Doctor shopping may be the prescription fraud tactic with the highest success rate:
 - Number of written prescriptions per office visit increased by 34 percent between 1985 and 2000*

**Centers for Disease Control and Prevention*



Investigation

- **VSP investigation of a doctor shopper:**
 - Complaint is made by prescriber, administrator, pharmacist, citizen, etc.
 - Initial investigation: Data Collection
 - NCIC, VCIN, VEC, etc.
 - Previously investigated?
 - If yes: – Pull case file # and review previous complaint / disposition
 - Subsequent investigation: Run PMP (verify), review prescriber licensing info and dates of possible diversion
 - Put together a pattern of doctor shopping to include recent dates of visits, # of prescribers, prescriber's physical location & pharmacies used
 - Interview (in most cases) last 3 or 4 prescribers patient has seen
 - Obtain medical records from each prescriber – especially registration forms & pain management contracts!!
 - Jurisdiction to jurisdiction:
 - Narrow suspects choices of prescribers within a locality – possibly continue to monitor through PMP



Investigation

- **VSP investigation of a doctor shopper:**
 - Jurisdiction nailed down
 - Interview suspect
 - Residence, local library, etc.
 - Confront with evidence
 - Most admit to addiction and to crime
 - Many are 1st time offenders and are scared



Investigation

- **VSP investigation of a doctor shopper:**
 - Commonwealth Attorney briefed
 - Prosecute / Decline to Prosecute
 - Prosecutive Summary submitted
 - Usually charge with 3 most recent
 - Case presented to Grand Jury
 - Indictments returned
 - Suspect arrested / fingerprinted / photographed
 - Bond hearing
 - Future court date set



Investigation

- **VSP investigation of a doctor shopper:**
 - Eligible for 1st Offender program?
 - Usually plea agreement
 - Includes substance abuse eval and/or counseling
 - Will get reduced charge after drug court/community serv., etc.
 - OR dismissed case altogether
 - Usually NO jail unless repeat offender
 - No plea?
 - Trial
 - Final disposition



Preventive Measures

§ 54.1-3408

Professional use by practitioners

A. A practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine or a licensed nurse practitioner pursuant to §54.1-2957.01, a licensed physician assistant pursuant to §54.1-2952.1, or a TPA-certified optometrist pursuant to Article 5 (§54.1-3222 et seq.) of Chapter 32 of this title shall only prescribe, dispense, or administer controlled substances in good faith for medicinal or therapeutic purposes within the course of his professional practice. ρρρ

Such a prescription shall be written, dated, and signed by the person prescribing on the day when issued, and shall bear the full name and address of the patient for whom the drug is prescribed, and the full name, address, and registry number under the federal laws of the person prescribing, if he is required by those laws to be so registered. ρρρ



Communication

§ 8.01-399 Communications between physicians and patients

A. Except at the request or with the consent of the patient, no duly licensed practitioner of any branch of the healing arts shall be required to testify in any civil action, respecting any information which he may have acquired in attending, examining or treating the patient in a professional capacity.

B. ppp

C. This section shall not (i) be construed to repeal or otherwise affect the provisions of §65.2-607 relating to privileged communications between physicians and surgeons and employees under the Workers' Compensation Act or (ii) **apply to information communicated to any such practitioner in an effort unlawfully to procure a narcotic drug, or unlawfully to procure the administration of any such drug.**



In Closing...

Although the information presented has been categorized, no one element is inclusive or exclusive to any one type of drug seeker.

The methods that drug seekers use to obtain drugs by fraud is limited only by their imagination.





P.O. Box 27472 * Richmond, VA 23261-7472

QUESTIONS?

S/A G. A. Hopkins
Virginia State Police
Bureau of Criminal Investigation
Drug Diversion Unit
Cell: 804.921.3899
Office: 804.553.3470