

Drug Enforcement Administration (DEA) Defense, DEA Registration Applications, DEA Registrations, DEA Orders to Show Cause Representation, Defense of DEA Suspension Orders, Defense of DEA Number Revocations, DEA Administrative Hearing Representation, Representation of Physicians in DEA Proceedings, Department of Health Prescription Representation and Board of Medicine and Board of Pharmacy Representation

(Revised April 12, 2011)

Throughout the U.S. and most notably throughout Florida, there has been a multi-agency crackdown on pain management clinics, pain management physicians and pharmacies that fill the prescriptions written by them. Clinics are routinely shut down with all staff, physicians and some patients being arrested and charged with criminal offenses. Sometimes these are federal criminal proceedings, sometimes these are state criminal proceedings.

Many times a multi-agency task force is put together to raid a number of pain management clinics in a certain area. These usually consist of one or more agent from each of the following agencies: the federal Drug Enforcement Administration, the Florida Department of Health, the Florida Attorney General's Office, and the local police agency (sheriff's department or city police). Often these will be called "inspections" or site "visits." However, they are often really raids for the purpose of search and seizure or arrest.

Pharmaceutical manufacturers and distributors keep track of the narcotics they sell and to whom they are sold. This is particularly true of narcotics and other medications that are routinely over-prescribed and abused, such as oxycodone, hydrocodone, Roxycodone, Percocet, Xanax, and other such medications. They will usually report a pharmacy or physician that orders a larger amount of any of these drugs than usual. Drug chains and manufacturers also track the numbers of various drugs that are prescribed by various physicians. They will usually report a pharmacy, clinic or physician that orders a larger amount of any of these drugs than is usual for their customers.

If an "inspection" or search and seizure is performed on a physician's office, a pain management clinic or a pharmacy, it will usually be after an investigation has already been conducted by both state licensing authorities and the U.S. Drug Enforcement Administration (DEA). An investigation will usually be opened based on one or more complaints that have been received from patients, next of kin of patients, pharmaceutical manufacturers and distributors (who report large quantities sold), competitors, local surrounding businesses, or local law enforcement authorities.

Physicians, pharmacists and staff members may be arrested during such a visit. There will usually be emergency suspension orders (ESOs) that will be served by the DEA to suspend DEA registrations and numbers of pharmacists, physicians and clinics. Emergency cease and desist orders (CDs or CDOs) may be served by state licensing bodies (such as the Department of Health or the Attorney General's Office). Orders to show cause (OCs) why a DEA registration should not be revoked may be served. An emergency suspension order (ESO) to suspend a state license may be served if the investigations or proceedings have already progressed to that point; however,

usually this will come later. Arrest warrants may be executed and people arrested. This will almost always have been planned and decided ahead of time.

Once your DEA registration number has been suspended, any narcotics and other controlled substance cannot remain in your possession or on the premises. Therefore, the DEA will seize them all and take them away unless you can find another properly DEA-licensed person to take custody of them. This could mean the loss of tens or hundreds of thousands of dollars worth of medications.

Remember: These people are cops. Treat them as such. They are not your friends. They are not there to help you. Do not ask them for advice. Call your criminal defense attorney and your health law attorney right away. Get your attorneys to come to the site right away. Do not talk to these investigators and agents. Anything you say can and will be used against you in future criminal and administrative proceedings. If you are free to leave, leave right away and go consult with your attorneys.

Almost always the DEA agents will ask that you "voluntarily" give up your DEA registration and number. They will have a form already prepared for you to sign. **DO NOT DO THIS**. They will advise you that you can always apply to get a new one again later. It will be a rare event if you are successful in actually obtaining a new DEA registration number after you have given one up in these circumstances. It is treated virtually the same as if it had been revoked.

Likewise, the Department of Health investigator will almost always ask that you "voluntarily" relinquish or give up your medical or pharmacy license. They will have a voluntary relinquishment form already prepared for you to sign. **DO NOT DO THIS**. They will advise you that you can always apply to get a new one again later. However, just as with a DEA registration, it will be a rare event if you are successful in actually obtaining a new professional license number after you have given one up in these circumstances.

A voluntary relinquishment of a medical or pharmacy license in these circumstances will be treated similarly to a revocation of your license. It will be reported to the National Practitioner Data Base (NPDB). It will be reported to any other states where you are licensed. The Office of the Inspector General (OIG) will commence proceedings to suspend you and then exclude you from the Medicare Program. If excluded from the Medicare Program, you will also be automatically debarred or excluded from all other federal government contracting (usually for life). Proceedings will be commenced to suspend or exclude you from the state Medicaid Program, as well.

There are many other career-ending and life-changing consequences to such actions. It is crucial that you immediately retain the services of properly qualified attorneys who have experience in such matters. Do not go out and hire the personal injury attorney who advertises on the billboard across the street. Do not hire the family friend who is a general practice attorney. Do not hire your friend's friend who is a divorce attorney. You need an experienced (preferably board certified) criminal defense attorney with a great deal of experience in defending such DEA and drug cases. You need an experienced board certified health law attorney who is familiar with professional licensure matters and has represented health professionals in both state and federal administrative

proceedings. Ask. Your license, career, future income, and perhaps your freedom are on the line.

DEA hearings are complex federal administrative hearings. They are presided over by federal administrative law judges assigned to the DEA in Arlington, Virginia. They are held pursuant to the federal Administrative Procedure Act and procedures set forth in 21 CFR 1301.43 and 1316.47 as well as 21 USC Sections 303, 304, 823 & 824, and elsewhere.

To properly defend yourself will be very expensive. Now is the time to sell investments, cash out savings, make loans from or cash out retirement plans, approach friends and family members for loans, sell jewelry and real estate, obtain lines of credit, use unused credit cards, and do whatever it takes to properly defend yourself from criminal charges and to attempt to save your DEA registration number and your professional license.

The attorneys of The Health Law Firm represent doctors, pharmacists, advanced registered nurse practitioners (ARNPs), physician assistants, clinics and other health providers in such matters. We have experience in appearing before the Agency for Health Care Administration (AHCA), the Department of Health (DOH), the Drug Enforcement Administration (DEA), the Board of Medicine, Board of Osteopathic Medicine, Board of Dentistry, Board of Pharmacy, the Board of Nursing, and other state and federal agencies. We have experience in both state and federal administrative hearings, in Florida and also in states other than Florida. In many states we are permitted to represent the health professional in investigations and administrative proceedings.

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