

### 8th U.S. Circuit Court of Appeals

The 8th U.S. Circuit Court of Appeals became the first appellate court to interpret a federal guidelines section that increases sentences for web-based illegal drug-distribution schemes through mass-marketing means of an interactive computer service. In *U.S. v. Hanny*, Thomas Hanny, a retired surgeon, authorized Internet drug sales with his electronic signature and without any examination of the patients. The company he was working for, Pharmacon, was shut down in 2004 by law enforcement. Dr. Hanny then began approving prescriptions for another company, Jive, based upon customer questionnaires. Dr. Hanny was recently sentenced to 33 months in prison in the decision handed down Dec. 12, 2007. A full copy of the decision can be viewed online at <http://www.ca8.uscourts.gov/index.html>.

### Indictment from Iowa

An indictment against six individuals alleging drug conspiracy, money laundering conspiracy, distribution of Schedule III controlled substances, distribution of Schedule IV controlled substances, aiding and abetting the distribution of Schedule III controlled substances to a minor, aiding and abetting the distribution of Schedule IV controlled substances to a minor, aiding and abetting the distribution of Schedule III controlled substances, and distribution and attempted distribution of Schedule III controlled substances was unsealed on Nov. 7, 2007, in U.S. District Court for the Northern District of Iowa Eastern-Dubuque Division. Defendants include Orlando Birbragher, Marshall Neil Kanner, Jack Eugene Huzl, Douglas Willis Bouchey, Armando Angulo, and Peter Colon Lopez. Defendants Orlando Birbragher and Marshall Neil Kanner were the principal owners and operators of Pharmacom International Corporation, which sold pre-

scription drugs through websites such as [www.buymeds.com](http://www.buymeds.com) and 18 other affiliated sites. The press release can be viewed online at [http://www.usdoj.gov/usao/ian/press/November/11\\_08\\_07\\_BuyMeds\\_Charge.html](http://www.usdoj.gov/usao/ian/press/November/11_08_07_BuyMeds_Charge.html).

### News of Interest

- The Food and Drug Administration issued the results of a study conducted from September 2006 to August 2007 showing that many of the imported drugs purchased over the Internet are unregulated and could pose health risks for consumers. Further, results show that many U.S. residents are purchasing prescription drugs online to avoid the need for a prescription. Full text of the press release can be seen online at <http://www.fda.gov/bbs/topics/NEWS/2007/NEW01735.html>
- The Drug Enforcement Administration announced that the DEA Certificates of Registration for Richard Carino, M.D., are revoked and that any pending applications for renewal or modification are denied. Evidence showed that Dr. Carino worked for iPharmacy.MD from September 2003 to July 2004, and approved between 100 and 2000 prescriptions per month over the Internet, most of which were for controlled substances. This order takes effect on Jan. 18, 2008.
- The Arkansas State Board of Pharmacy held a hearing in early October regarding the online pharmacy law enacted in 2007 that prohibits a pharmacist from filling a prescription when they know a doctor wrote it without a valid prior patient-practitioner relationship. The hearing was in response to a company that operates online pharmacies, PCM Venture I, LLC, that challenged the applicability of the law to their web-

site, [www.kwikmed.com](http://www.kwikmed.com). The Board formed a subcommittee to continue discussions about the company's potential operation in Arkansas.

- Christian Hageseth, M.D., was extradited from Nebraska to California to face charges he practiced medicine without a license in California by prescribing drugs via the Internet. A preliminary hearing date is set to be scheduled before the end of December 2007.
- The Court of Appeals of the State of Washington affirmed the medical license revocation of Stephen L. Ancier, M.D., on Sept. 4, 2007. Dr. Ancier's Washington State medical license was originally revoked in February 2005 related to Internet prescribing.
- A state appeals court in New York upheld the conviction of Dr. David W. Stephenson on Nov. 19, 2007. Dr. Stephenson originally pled guilty to selling painkillers over the Internet in June 2006. He was sentenced to six years in prison and forfeited his medical license at that time.
- Continued fallout of the Albany County District Attorney Investigation—more names have been released of professional athletes who allegedly received steroids and/or HGH from the Palm Beach Rejuvenation Center: Scott Schoeneweis, Jose Guillen, Matt Williams, and Paul Byrd.
- Ana Maria Santi, a physician from New York linked to the steroids ring involved in the above case, received a two-year jail sentence on Nov. 2, 2007, plus one year of house confinement and two additional years of supervised probation for issuing thousands of prescriptions for HGH and steroids to clients she never met. Victor Mariani was sentenced to one year home confinement and two years probation for similar charges.
- The scope of the Albany investigation has expanded, as referenced on Oct. 20, 2007, in the *Staten Island Advance*. Among others implicated in this investigation are a Staten Island doctor—Richard Lucente, D.O., a local gym chain—Dolphin Fitness Centers, and a wellness center—New York Anti-Aging and Wellness Medical Services. No charges have been filed, but evidence linking these groups together was obtained following a raid of Lowen's Pharmacy in Bay Ridge, Brook-

lyn, that netted \$7.5 million worth of HGH and anabolic steroids.

## Disciplinary Actions

The following is a partial list of recent disciplinary actions taken against physicians who prescribed medicine via the Internet.

- Medical Board of California—Henry E. Jones, M.D., license revoked but stayed and placed on probation for five years on Sept. 20, 2007. He must complete a prescribing practices course, reimburse the cost of the investigation, obtain a practice monitor, and meet other obligations.
- Florida Board of Osteopathic Medicine—Robert Raymond Reppy, D.O., reprimanded, fined, additional CME, and perform 100 hours of community service. Additionally, respondent is required to deliver a one-hour lecture/seminar on the dangers of prescribing controlled substances over the Internet.
- Medical Licensing Board of Indiana—Mohamed Mekawy, M.D., suspended license for 90 days on Sept. 18, 2007.
- Rhode Island Board of Medical Licensure and Discipline—Jonathan Tad Fogel, M.D., found guilty of unprofessional conduct on Nov. 5, 2007. Also fined \$1,000 and must complete an ethics course.
- Texas Medical Board—John Michiels, M.D., surrendered his Texas license in lieu of further investigation on Nov. 30, 2007. He was accused of improperly prescribing medicines over the Internet. He still holds a license in Canada.
- Virginia Board of Medicine—Torino Jennings, M.D., reprimanded and fined \$10,000 on Oct. 31, 2007.

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