

American Medical Association

The American Medical Association adopted policy in 2003 entitled “H-120.949, Guidance for Physicians on Internet Prescribing”. This policy calls for physicians who prescribe medications via the Internet to establish a valid patient-physician relationship, including, but not limited to, the following elements: The physician shall obtain a reliable medical history and perform a physical examination of the patient adequate to establish the diagnosis for which the drug is being prescribed. A physician prescribing medication across state lines must possess appropriate licensure in all jurisdictions where patients reside. Full text of the policy is available on the AMA website—www.ama-assn.org.

Purchases

The responsibilities of the Clearinghouse include purchasing medications from suspected “rogue” websites and pursuing complaints against associated physicians and pharmacists. Clearinghouse staff placed and received three orders for medication in the third quarter of 2005. Overall, staff has placed 49 orders, with 45 being approved.

www.emedsrx.com

An order for Viagra was approved and received in September. The pharmacy is located in Utah, the website based in Arkansas, and the prescribing physician is licensed in Nevada and Utah.

www.libertyscripts.com

An order for Xenical was placed and approved in September. The pharmacy is located in Colorado, the website based in New York, and the prescribing physician may be

licensed in an unknown location. Two medication bottles issued under separate prescriptions were received.

www.order-viagra-on-line.net

An order for Cialis was placed and approved in September. The pharmacy is located in Florida, the website based in California, and the prescribing physician has been licensed in Arizona and Utah.

News of Interest

- Philip Heymann, Harvard Law School professor, has established a public-private panel to address issues related to the distribution of highly addictive or dangerous drugs via the Internet. The panel expects to produce a set of recommendations early next year related to Internet Pharmacy practice.
- Authorities in Miami broke up an Internet pharmacy operation that reportedly distributed more than \$10 million worth of pain pills, according to the *Sun-Sentinel* in July. Most of the distributed pills were Hydrocodone, and were peddled from a myriad of websites without required prescriptions, doctor reviews or pharmacists involved.
- A \$200 million Internet pharmacy ring was broken up in North Texas in late September in what federal prosecutors described as the largest-ever crackdown on U.S. based Internet drug trafficking. A 201-count indictment accuses the participants in this scheme of conspiracy to commit health care, mail and wire fraud, money laundering, illegal monetary transactions and conspiracy to distribute controlled substances. The accused ringleader, Rakesh Jyoti Saran, faces decades behind bars and millions of dollars in fines if convicted.
- U.S. Immigration and Custom Enforcement (ICE) agents arrested Richard Cowley on charges of allegedly importing from China and distributing counterfeit pharmaceuticals via the Internet, including Viagra and

Cialis. The investigation was a joint effort between ICE, the Food and Drug Administration, and counterparts in China, and resulted in a six-count indictment against Cowley.

- DEA has created a reporting form on their website where the public can report “Suspected Unlawful Sales of Pharmaceutical Drugs on the Internet”. The link to this form is available on the DEA website—www.usdoj.gov/dea.

Federal Perspective

U.S. ICE was established in March 2003 as the largest investigative arm of the Department of Homeland Security. The agency is comprised of five integrated divisions that form a 21st century law enforcement agency with broad responsibilities for a number of key homeland security priorities. ICE’s nearly 6,000 criminal investigators enforce both immigration and customs laws, which together involve more than 400 statutes.

When it comes to Internet pharmaceutical sales, ICE focuses its efforts on individuals and organizations involved in the smuggling of counterfeit pharmaceuticals—both controlled and non-controlled—scheduled narcotics, medical devices and medical test kits via the Internet.

Three of ICE’s program offices work together in this comprehensive initiative.

ICE’s Commercial Fraud unit focuses on the commercial fraud aspects of illegal pharmaceutical sales, investigating false statements and deceptive business practices involved in the sale and distribution of these drugs. ICE’s Intellectual Property Rights Center (IPR) focuses on counterfeit drug distribution by investigating patent, copyright and trademark law violations. And, ICE’s Cyber Crime Center (C3) investigates “rogue” Internet pharmacies and their affiliates. These rogue sites are typically operated by criminal enterprises whose sole purpose is to generate and launder large sums of money, with no regard to the health and welfare of their pharmacy customers. C3 utilizes the latest in sophisticated software and tools for cyber-tracking.

ICE also relies on tips from the public. Those wishing to report suspected violations of any immigration

or customs laws can call 1-866-DHS-2ICE. The hotline is staffed by investigators and operates 24 hours a day, seven days a week.

Together, these tips from the public, combined with ICE’s proactive investigative strategy are helping to dismantle and deter criminal pharmaceutical operations.

Disciplinary Actions

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

- Florida Board of Osteopathic Medicine—Herbert Pardell, D.O., fined and reprimanded on June 9, 2005.
- Florida Board of Osteopathic Medicine—Carlos Levy, D.O., fined and reprimanded on June 9, 2005.
- Colorado Board of Medical Examiners—Christian Hageseth III, M.D., surrendered license on August 12, 2005.
- Tennessee Board of Medical Examiners—Everett Nichols, M.D., fined and license revoked on July 25, 2005.
- Tennessee Board of Medical Examiners—Richard Kienzle, M.D., surrendered his medical license on July 20, 2005.
- Medical Board of California—Joseph Filbeck, M.D., license revoked on September 2, 2005, but stayed the revocation and placed respondent on five years probation.
- Medical Board of California—Sean Sherron-Edwa Aldridge, M.D., license revoked on September 7, 2005, but stayed the revocation and placed respondent on five years probation.
- Ohio Medical Board—Marvin Brown Jr., M.D., license revoked on May 19, 2005.
- Arizona Medical Board—Deborah Golob, M.D., fined and reprimanded on May 13, 2005.

Contact for the Clearinghouse

James Rawson, M.A., Manager

(817) 868-4023

clearinghouse@fsmb.org