

# Murder by prescription

Doctor's conviction a wake-up call on opioid treatments



Photo by APDr. Hsiu-Ying "Lisa" Tseng was found guilty of three counts of second-degree murder, 19 counts of unlawful controlled substance prescription and one count of obtaining a controlled substance by fraud, among other charges.

The murder convictions of a California doctor for prescribing unnecessary painkillers are a warning for doctors who treat injured workers to prescribe opioids sparingly.

Sources said they hope that efforts to hold doctors liable for irresponsible opioid prescribing practices, in tandem with using safe prescribing guidelines, will help reduce opioid addiction and overdoses among workers comp patients.

"Hopefully, it will cause physicians to pause and consider their actions before prescribing in the future," said Dr. Teresa Bartlett, Troy, Michigan-based senior vice president and medical director at Sedgwick Claims Management Services Inc.

"I would definitely expect to see more prosecutions" for overprescribing narcotics, said Joseph Paduda, principal of Madison, Connecticut-based Health Strategy Associates L.L.C.

In the California case, a jury in late October found Dr. Hsiu-Ying "Lisa" Tseng guilty of three counts of second-degree murder, 19 counts of unlawful controlled substance prescription and one count of obtaining a controlled substance by fraud, among other charges.

She was accused in the 2009 prescription drug overdose deaths of Vu Nguyen, 28; Steven Ogle, 24; and Joseph Rovero, 21. Prosecutors said Dr. Tseng prescribed "massive quantities of addictive and dangerous drugs" to the men, though they had "no legitimate need" for the drugs.

"This verdict sends a strong message to individuals in the medical community who put patients at risk for their own financial gain," Los Angeles District Attorney Jackie Lacey said in a statement in October. "In this case, the doctor stole the lives of three young people in her misguided effort to get rich quick.

“This is the most severe penalty we have ever gotten on a doctor who illegally overprescribed drugs to patients,” Ms. Lacey said in the statement.

The district attorney's office declined further comment until Dr. Tseng's sentencing, which is scheduled for Feb. 5.

Sedgwick's Dr. Bartlett said medical professionals likely will heed the outcome of the case as they weigh whether to prescribe opioids to their patients.

“Cases such as this will highlight for doctors the importance of prescribing and following best practices,” she said.

While Los Angeles prosecutors touted Dr. Tseng's case as the first time nationwide that a physician was convicted of murder for overprescribing prescription drugs, Mr. Paduda said other states have prosecuted doctors.

For instance, he cited the case of Dr. Gerald Klein, a Florida pain physician who was acquitted of first-degree murder in September in the 2009 death of a patient who overdosed on opioids and Xanax, which is used to treat anxiety. The former physician, however, was convicted of a third-degree felony for prescribing the drugs and reportedly is awaiting sentencing.

Mr. Paduda said he believes criminal prosecutions of doctors who overprescribe medications to workers comp and group health patients could discourage other physicians from doing likewise. However, he said other strategies — such as following clinical guidelines on using narcotics and scrutiny of pharmacies that dispense too many opioids — also are needed to keep opioid overprescribing in check.

Such efforts “are going to have a cumulative effect,” Mr. Paduda said.

The Ohio Bureau of Workers' Compensation, Ohio's monopoly workers comp insurer, has worked to hold doctors accountable by enforcing penalties for physicians who provide significant amounts of narcotics to their patients, said Johnnie Hanna, the bureau's Columbus, Ohio-based pharmacy program director.

The bureau can report doctors to state or local law enforcement officials or seek to have the Ohio State Medical Board revoke their licenses if it believes a physician is prescribing negligently, Mr. Hanna said. However, he said the bureau most often blocks overprescribing physicians from treating injured workers.

“We have a very aggressive fraud department as far as looking into allegations of misprescribing or inappropriate treatment or inappropriate billing by physicians,” Mr. Hanna said.

The bureau's efforts seem to be working so far. Three of the state's top 10 opioid-prescribing physicians in 2010 lost their Ohio medical licenses as of 2014, Mr. Hanna said.

### **Prescribing shift?**

One doctor in that top 10 has drastically reduced the number of patients receiving significant dosages of opioids, Mr. Hanna said. The doctor had 17 patients in 2010 receiving 1,000 morphine equivalent doses per day, but reduced that to just one patient in 2014.

“I really think we're starting to see a change,” said Mr. Hanna, adding that opioid utilization has fallen 28% since 2011 among Ohio injured workers. “It will take time, but I believe we are seeing a shift in prescribing.”

The U.S. Drug Enforcement Administration has worked to hold prescribers criminally liable for providing significant amounts of powerful medications to patients, said Phil Walls, chief clinical and compliance officer at Tampa, Florida-based pharmacy benefit manager Matrix Healthcare Services Inc., which does business as myMatrixx.

The DEA's “Cases Against Doctors” website shows that the agency pursued more than three dozen cases in 2015 against doctors, pharmacies, dentists and other medical providers. While records show that some of those cases were dismissed, some led to the revocation of a provider's medical license.

Mr. Walls said he believes criminal action against overprescribers has been an “effective” tool in the fight against opioid addiction. He also noted that anyone suspicious of overprescribing can alert authorities about such activities.

“Every citizen has the right to contact their state board of medicine to report that they're concerned,” Mr. Walls said.