

INTRODUCTION

We, the members of the Forty-Fourth Statewide Investigating Grand Jury, having received and reviewed evidence pertaining to violations of the Public Welfare Code, the Controlled Substance, Drug, Device and Cosmetic Act and the Pennsylvania Crimes Code occurring in and around Philadelphia and Montgomery Counties in Pennsylvania pursuant to Notice of Submission of Investigation No. 14, do hereby make the following findings of fact and recommendation of charges.

FINDINGS OF FACT

This Presentment reveals a massive illegal pill mill operated in the Philadelphia area by two Flourtown-based medical doctors and a North Philadelphia landlord, using the landlord's tenants as surrogates to generate fraudulent prescriptions for Oxycodone and Xanax. The doctors wrote these prescriptions for "patients" they had seldom if ever seen, for medications the "patients" seldom if ever received, to be filled at pharmacies – usually one in Skippack, and one in Chestnut Hill – that the "patients" had seldom if ever visited. In all, the scheme yielded almost 85,000 Oxycodone pills, with a street value at resale of over two million dollars.

Special Agent Ryan D. Carey ("Agent Carey") of the Pennsylvania Office of Attorney General ("OAG") Bureau of Criminal Investigations, Medicaid Fraud Control Section, began an investigation into allegations that Emmanuel Okolo, M.D. ("Dr. Okolo") was writing medically unnecessary prescriptions and prescriptions without actually seeing patients. It was alleged that Evelyn Smith ("Smith" a/k/a "Tracie"), the landlord of several properties in North Philadelphia, provided her tenants' identifying information to Dr. Okolo, who then prepared prescriptions in the names of the tenants/patients without their permission and knowledge. Dr. Okolo gave the prescriptions directly to Smith, who traveled or instructed another individual to travel to a

pharmacy to obtain the prescriptions, which consistently included Oxycodone and Alprazolam.¹ The medications were never provided to the patients/tenants whose names appeared on the prescriptions.

During the course of the Grand Jury's investigation, it became apparent that other individuals also conspired to commit criminal acts with Dr. Okolo and Smith. It was determined that Smith, her cousin, Kent Hunter ("Hunter"), Dr. Okolo and Mohanad Fallouh, M.D. ("Dr. Fallouh"), another doctor affiliated with Dr. Okolo's medical practice, operated as a corrupt organization, committing the crimes of Medicaid fraud and identity theft, as well as committing violations of the Controlled Substance, Drug, Device and Cosmetic Act and other related crimes from January 2015 to May 2017.

Commencement of the Investigation

On May 25, 2017, the Pennsylvania Department of Human Services ("DHS") Bureau of Program Integrity ("BPI")² received a complaint from Special Investigation Unit Investigator Rich Gilbert ("Gilbert") of AmeriHealth Caritas ("AmeriHealth"). AmeriHealth is a Medical

¹ Oxycodone is a Schedule II controlled substance. Throughout this Presentment, the term Oxycodone will be used to encompass the following medications: Oxycodone HCL 30 mg, Oxycodone HCL 20 mg, Oxycodone 15 mg, and Oxycodone 10 mg.

Alprazolam, sold under the brand name Xanax, is a Schedule IV controlled substance. Throughout this Presentment, the term Alprazolam (or Xanax) will be used to encompass the following medications: Alprazolam .25mg, .5 mg, 1 mg and 2 mg.

Medical literature, including the guidelines from the US Food and Drug Administration ("FDA"), cautions against prescribing an opioid (like Oxycodone) and a benzodiazepine (like Xanax) together. The combination of a benzodiazepine and an opioid increase the probability of acute overdose by 1500%. See Expert Report of Dr. Stephen Thomas discussed *infra*.

² BPI ensures Medical Assistance/Medicaid recipients receive quality medical services and refers cases of potential fraud to the appropriate enforcement agency.

Assistance (“MA”) managed care organization that is contracted with DHS to provide medical services to Pennsylvania Medicaid recipients. Medicaid recipient “ME” reported to Gilbert that, although she did not receive treatment from Dr. Okolo, Dr. Okolo wrote prescriptions for medications in her name, without her permission, and gave those prescriptions directly to Smith, who was her landlord.³ ME further told Gilbert that Smith had a copy of her Medicaid access card and copies of Medicaid cards for other tenants, as well. ME reported that at least 50 tenants were affected by Dr. Okolo and Smith’s scheme of filling the tenants’ prescriptions and then selling the drugs. ME discovered that Smith filled prescriptions in ME’s name without her permission when ME tried to fill prescriptions at her regular pharmacy, Sunray Drugs, located in Philadelphia. ME also told Gilbert that she does not use either Skippack Pharmacy (“Skippack”) located in Skippack, Montgomery County, or Chestnut Hill Pharmacy (“Chestnut Hill”) located in Philadelphia. She further advised that she does not use Oxycodone.

Gilbert also spoke with Medicaid recipient “AF,” another one of Smith’s tenants. AF told Gilbert that Smith used AF’s personal information to have prescriptions filled in AF’s name. AF also reported that she never received medical services from Dr. Okolo and did not fill any prescriptions for Oxycodone.

Gilbert reported to BPI that numerous prescriptions prepared by Dr. Okolo in the names of ME and AF were filled at both Skippack and Chestnut Hill, and that a review of medical claims for both ME and AF did not reflect a doctor/patient relationship with Dr. Okolo. AF and ME had no Medicaid billings for any office visits nor medical procedures for any services provided by Dr. Okolo or his practice, Carriage House Medical Group, LLC (“Carriage House”).

³ On March 21, 2017, ME called the Member Services department at AmeriHealth. Member Services documented ME’s allegations and forwarded her information to AmeriHealth’s Special Investigation Unit. Gilbert was then assigned the investigation.

The Grand Jury learned that, according to City of Philadelphia property records, Smith is listed as the owner at 3525 North 18th Street in Philadelphia. Smith has a mailing address of 3521 North 18th Street in Philadelphia.

The Grand Jury further learned that Dr. Okolo is a provider under the Medicaid program, with a business address of 1811 Bethlehem Pike, Suite 211 in Flourtown, Montgomery County. DHS records reflect that Carriage House is located at that same address. Dr. Fallouh is also a provider under the Medicaid program who practiced at Carriage House from 2014 to 2016.

Agent Carey accessed the Prescription Drug Monitoring Program ("PDMP") electronic prescription database and obtained a report for the Schedule II controlled substances prescribed by Dr. Fallouh and Dr. Okolo from January 1, 2015 to January 3, 2019 ("the PDMP Report"). The PDMP, which is operated and maintained by the Pennsylvania Department of Health, collects information on all prescriptions filled for controlled substances in Pennsylvania in order to help prevent prescription drug abuse and protect the health and safety of Pennsylvanians. The PDMP provides specific information, including the prescribing practitioner's identity and practice address, the dates the prescriptions were written and filled, the name of the medication and the amount dispensed, the identities of the patients to whom the prescriptions were written, and the pharmacy/pharmacies where the prescriptions were filled.

The Grand Jury reviewed the PDMP Report, which revealed that from January 1, 2015 to September 6, 2017, Dr. Okolo wrote 586 prescriptions for Oxycodone for 114 individuals residing at 3517 North 18th Street, 3521 North 18th Street, and 3525 North 18th Street in Philadelphia, the three properties associated with Smith. The PDMP Report further revealed that from April 1, 2015 to November 2, 2016, Dr. Fallouh wrote 423 prescriptions for Oxycodone for 71 individuals residing at the three Philadelphia properties associated with Smith.

With regard to ME, the PDMP Report revealed that from June 9, 2016 to November 22, 2016, Dr. Okolo wrote prescriptions for Oxycodone to ME on seven separate occasions, totaling 630 pills. All seven prescriptions were filled at Chestnut Hill. In addition, the PDMP Report revealed that from May 27, 2015 to October 8, 2015, Dr. Fallouh wrote prescriptions for Oxycodone to ME on five separate occasions, totaling 450 pills. All five prescriptions were filled at Skippack. Neither Dr. Okolo, Dr. Fallouh, nor Carriage House submitted Medicaid claims to DHS for outpatient visits or any other medical care for ME. The PDMP listed ME's patient address as 3517 North 18th Street and 3525 North 18th Street.

With regard to AF, the PDMP Report revealed that from January 16, 2015 to November 17, 2016, Dr. Okolo wrote prescriptions for Oxycodone to AF on 15 separate occasions, totaling 1,260 pills. Thirteen of these prescriptions were filled at Skippack and two were filled at Chestnut Hill. The PDMP Report also revealed that from May 8, 2015 to November 14, 2015, Dr. Fallouh wrote prescriptions for Oxycodone to AF on seven separate occasions, totaling 630 pills. All seven prescriptions were filled at Skippack. Neither Dr. Okolo, Dr. Fallouh, nor Carriage House submitted Medicaid claims to DHS for outpatient visits or any other medical care for AF. The PDMP listed AF's patient address as 3521 North 18th Street and 3525 North 18th Street.

On January 18, 2018, Agent Carey attempted to contact ME at two separate addresses but was unsuccessful. On February 9, 2018, he attempted to interview AF and spoke to a woman on the telephone who identified herself as AF. After briefly speaking to this woman, a male voice came on the telephone and told Agent Carey that AF did not want to speak to him further. On February 12, 2018, Agent Carey received a voicemail from a female who identified herself as Smith, AF's landlord. When Agent Carey called Smith back on February 20, 2018, she asked him why he contacted AF and claimed to be AF's caregiver. Agent Carey told Smith that he wanted

to arrange a time to speak with her, but Smith denied Agent Carey's request and hung up the telephone.

Interviews of Smith's Tenants

Agent Carey interviewed several individuals whom the PDMP Report reflected as residing at one of the three addresses associated with Smith in North Philadelphia (3517 North 18th Street, 3521 North 18th Street and 3525 North 18th Street). These interviews, which were audio-recorded and played for the Grand Jury, are summarized as follows:

- Tenant "SJ-1"

On May 3, 2018, Agent Carey interviewed Medicaid recipient "SJ-1." SJ-1 lived at one of Smith's residences in the 3500 block of North 18th Street. SJ-1 stated that while living there, her room was burglarized and her identification, Medicaid card, and other personal identifying information were stolen.

SJ-1 also stated that Smith suggested that she see her doctor. Smith subsequently brought SJ-1 to meet this doctor in North Philadelphia. The doctor performed a physical, checked SJ-1's vitals, and acquired her medical history. Although SJ-1 did not remember the doctor's name, she described him as an older, African male. SJ-1 told Agent Carey that she only saw that doctor once or twice, and that Smith retained her paperwork and any prescriptions the doctor issued. Smith then drove SJ-1 to a pharmacy somewhere on Germantown Avenue in Philadelphia, where the prescription was filled.

The PDMP Report reflected that from June 9, 2016 to November 30, 2016, Dr. Okolo wrote prescriptions for Oxycodone to SJ-1 ^{RB} on six separate occasions, totaling 540 pills. All six prescriptions were filled at Chestnut Hill. The PDMP listed SJ-1's patient address as 3525 North 18th Street. DHS billing claims records reflected that Chestnut Hill submitted claims for

prescriptions for SJ-1 using her Medicaid identification number. Neither Dr. Okolo, nor Dr. Fallouh, nor Carriage House submitted Medicaid claims to DHS for outpatient visits or any other medical care for SJ.^{RB}

- Tenants "IE" and "TC-1"

On July 16, 2018, Agent Carey interviewed Medicaid recipients "IE" and "TC-1." IE stated that his doctor (not Dr. Okolo) prescribed medications to him for his heart condition. IE explained that Smith, whom he referred to as "Tracie," was his landlord where he lived with TC-1 on North 18th Street in Philadelphia. Smith referred IE to a doctor, but he never saw that doctor. IE never had any prescriptions for Oxycodone filled, nor was he aware of any doctor who prescribed Oxycodone to him. He explained that, due to his heart condition, he is unable to take Oxycodone. IE also told Agent Carey that he never gave anyone permission to pick-up his prescriptions and that he obtains his prescriptions from the Rite-Aid on North Broad Street.

TC-1 stated that at one point in time she and IE lived together at 3517 and 3521 North 18th Street. TC-1 told Agent Carey that in 2014 her identification, Social Security card, and Medicaid card were stolen from the apartment she and IE rented from Smith. TC-1 indicated that only Smith had access to her apartment. Smith referred her to Dr. Okolo, an African male in his 50's, whom TC-1 and other residents saw several times at Smith's house. TC-1 stated that Dr. Okolo wrote prescriptions in her name, but gave them directly to Smith. TC-1 never personally filled the prescriptions nor received the medications from Smith. When TC-1 confronted Smith about not receiving the medications that Dr. Okolo prescribed, Smith threatened to kick her and her family out of the house if she did not keep quiet. TC-1 informed Agent Carey that she never went to any pharmacies in Skippack or Lansdale, Montgomery County. On July 17, 2018, TC-1 positively identified Dr. Okolo and Smith after viewing photo arrays.

The PDMP Report reflected that from January 22, 2015 to September 24, 2016, Dr. Okolo wrote prescriptions for Oxycodone to IE on 13 separate occasions, totaling 1,170 pills. The PDMP Report further reflected that from June 17, 2015 to March 7, 2016, Dr. Fallouh wrote prescriptions for Oxycodone to IE on five separate occasions, totaling 420 pills. These prescriptions were filled at Nova Star Pharmacy ("Nova Star") in Philadelphia, and at Skippack. The PDMP listed IE's patient address as 3525 North 18th Street. DHS billing claims records reflected that Nova Star and Skippack submitted claims for prescriptions for IE using his Medicaid information. Neither Dr. Okolo, nor Dr. Fallouh, nor Carriage House submitted Medicaid claims to DHS for outpatient visits or any other medical care for IE.

As for TC-1, the PDMP Report reflected that from September 9, 2014 to September 6, 2017, Dr. Okolo wrote prescriptions for Oxycodone to TC-1 on 22 separate occasions, totaling 1,950 pills. The PDMP Report further reflected that from July 14, 2015 to January 13, 2016, Dr. Fallouh wrote prescriptions for Oxycodone to TC-1 on eight separate occasions, totaling 690 pills. The PDMP Report listed TC-1's patient address as 3525 North 18th Street. Those prescriptions were filled at Skippack, the 18th Street Apothecary in Philadelphia, the Walgreens Pharmacy in Philadelphia, and Rams Pharmacy ("Rams") in Lansdale. DHS billing claims records reflected that Skippack, 18th Street Apothecary, Walgreens, and Rams all submitted prescription claims for TC-1 using her Medicaid number. Dr. Fallouh did not submit any Medicaid claims to DHS for outpatient visits or any other medical care for TC-1.

- Tenant "SB"

On August 3, 2018, Agent Carey interviewed Medicaid recipient "SB." SB stated that for approximately six-to-eight months in 2015/2016 she lived on 3517 or 3518 North 18th Street and rented from her landlord, "Tracie." SB described an event during that time period wherein

unknown individuals ransacked her room and stole her health insurance card and Medicaid paperwork. She explained that she only uses the CVS Pharmacy located at the intersection of Rising Sun Avenue and Cottman Avenue in Philadelphia and has never been to any pharmacy on Germantown Avenue or outside of Philadelphia. SB also told Agent Carey that she saw a female doctor on Germantown Avenue, and that she does not know Dr. Okolo. When viewing photo arrays, SB positively identified Smith, but was unable to identify Dr. Okolo or Dr. Fallouh.

The PDMP Report reflected that from March 6, 2015 to September 19, 2016, Dr. Okolo wrote prescriptions for Oxycodone to SB on 14 separate occasions, totaling 1,200 pills. The PDMP Report also reflected that from August 26, 2015 to December 16, 2015, Dr. Fallouh wrote prescriptions for Oxycodone to SB on four separate occasions, totaling 360 pills. All of these prescriptions were filled at Skippack.

DHS billing claims records reflected that Skippack submitted claims for prescriptions for SB using her Medicaid number. The PDMP Report listed SB's patient address as 3517 North 18th Street. Neither Dr. Okolo, nor Dr. Fallouh, nor Carriage House submitted Medicaid claims through DHS for outpatient visits or any other medical care for SB.

- Tenant "SC-1"

On August 6, 2018, Agent Carey interviewed Medicaid recipient "SC-1." From 2014 to December 2017, SC-1 rented an apartment from Smith, whom she knew as "Tracie." SC-1 stated that she was unable to obtain pain medication for her medical issues in 2016 because Smith had used SC-1's Medicaid information to fill other prescriptions for controlled substances in her name.

SC-1 explained that a doctor, whom she called the "the kitchen doctor" or "the doctor from Flourtown," visited one of Smith's houses on North 18th Street to write prescriptions. SC-1 was seen by the "kitchen doctor" once, and he gave the prescriptions he prepared for SC-1 directly to

Smith. SC-1 knew from talking to other tenants that Smith paid money to tenants who were being seen by "the kitchen doctor." SC-1 told Agent Carey that she did not go to any pharmacies outside of Philadelphia and never had any prescriptions filled at Chestnut Hill. SC-1 positively identified Smith and Dr. Okolo ("the kitchen doctor") in photo arrays. She was unable to identify Dr. Fallouh.

The PDMP Report reflected that from January 2, 2015 to November 11, 2016, Dr. Okolo wrote prescriptions for Oxycodone to SC-1 on 16 separate occasions, totaling 1,530 pills. The PDMP Report also reflected that from May 27, 2015 to February 20, 2016, Dr. Fallouh wrote prescriptions for Oxycodone to SC-1 on eight separate occasions, totaling 840 pills. The prescriptions were filled at Skippack and Chestnut Hill.

DHS billing claims records reflected that Skippack and Chestnut Hill submitted claims for prescriptions for SC-1 using her Medicaid number. The PDMP listed SC-1's patient addresses as 3521 North 18th Street and 3525 North 18th Street. No Medicaid claims were submitted through DHS by Dr. Okolo, Dr. Fallouh, or Carriage House for any outpatient visits or any other medical care for SC-1.

- Tenant "TW"

On September 19, 2018, Agent Carey interviewed Medicaid recipient "TW." TW had a personal relationship with Smith, whom she knew as "Tracie." In 2015 and 2016, they lived together at 3525 North 18th Street. TW explained that Smith rented apartments and rooms in different houses that she owned. TW informed Agent Carey that an African doctor visited their house once a month to see Smith's tenants. This doctor saw TW as a patient once. On that occasion, the doctor prescribed Oxycodone to TW but gave the prescription directly to Smith. Smith told TW that she was selling the pills, and gave TW \$500.00 every month to use her

Medicaid information to have the doctor write prescriptions in TW's name. Smith told TW that she was also obtaining prescriptions using the Medicaid information of other tenants and was paying those tenants to use their information. TW reported to Agent Carey that she never went to Skippack, Chestnut Hill or Rams. TW positively identified Dr. Okolo (as the "African doctor") Smith and Dr. Fallouh in photo arrays.

The PDMP Report reflected that from March 31, 2015 to November 28, 2016, Dr. Okolo wrote prescriptions for Oxycodone to TW on 12 separate occasions, totaling 1,080 pills. The PDMP Report also reflected that from June 17, 2015 to March 9, 2017, Dr. Fallouh wrote prescriptions for Oxycodone to TW on 11 separate occasions, totaling 870 pills. The prescriptions were filled at Skippack, Chestnut Hill and 18th Street Apothecary.

DHS billing claims records reflected that Skippack, Chestnut Hill and 18th Street Apothecary submitted claims for prescriptions for TW using her Medicaid number. PDMP listed TW's patient address as 3525 North 18th Street. No Medicaid claims were submitted through DHS by Dr. Okolo, Dr. Fallouh or Carriage House for any outpatient visits for TW.

- Tenant "AC"

On April 15, 2019, Agent Carey interviewed Medicaid recipient "AC." AC rented a room from his landlord "Tracie" for eight months in 2016 and 2017. AC reported that Tracie asked for his identification and he gave it to her. Agent Carey showed AC a document entitled, "EM's Veterans House," which purportedly gave individuals identified as Kent Hunter and Nadin Scott permission to pick up his prescriptions. AC never saw that document before and never gave anyone permission to retrieve his prescriptions. He also told Agent Carey that he recently visited his primary care doctor (Timothy Johnson, M.D.), but the doctor refused to fill any prescriptions for him, including pain medications, because the doctor observed in the PDMP that AC had

previously filled many prescriptions for Oxycodone, Xanax and Percocet. AC, however, never obtained those prescriptions nor received those pills.

AC stated that on one occasion at Tracie's house, he saw a doctor whom he described as African with a dark complexion and glasses. The African doctor never wrote any prescriptions in his presence. AC told Agent Carey that Tracie tried to get him to sign paperwork falsely saying he was disabled.

In addition, AC described another instance when Tracie drove him and several other tenants to a pharmacy on Germantown Avenue in Philadelphia. There was a white woman⁴ at the pharmacy, whom Tracie appeared to know, as they were laughing and joking. At the pharmacy, Tracie instructed him to sign for the pills, which he did. He then gave the pills to Tracie, who paid him \$50.00, \$60.00 or \$70.00. He never saw the pills again.

AC further stated that he never went to a pharmacy outside of Philadelphia, he never heard of Skippack, and he never jumped out a second-story window (despite a visit note from Dr. Okolo stating otherwise). AC also informed Agent Carey that Tracie sometimes added false facts to a patient history when speaking with the doctor. AC viewed photo arrays and positively identified Smith (as "Tracie") and Dr. Okolo, but was unable to identify Dr. Fallouh.

The PDMP Report reflected that from May 27, 2015 to December 19, 2015, Dr. Fallouh wrote prescriptions for Oxycodone to AC on eight separate occasions, totaling 675 pills. The PDMP Report also reflected that from February 19, 2016 to November 18, 2016, Dr. Okolo wrote prescriptions for Oxycodone to AC on 8 separate occasions, totaling 720 pills. The prescriptions were filled at Skippack and Chestnut Hill.

⁴ Megan Gill is a white woman and was a pharmacist during this period at Chestnut Hill, located on Germantown Avenue. Her testimony is discussed later in this Presentment.

DHS billing claims records reflected that Skippack and Chestnut Hill submitted claims for prescriptions for AC using his Medicaid number. The PDMP listed AC's address as 3521 North 18th Street, 3517 North 18th Street and 4420 North 6th Street in Philadelphia. Neither Dr. Okolo, nor Dr. Fallouh, nor Carriage House submitted Medicaid claims through DHS for outpatient visits or any other medical care for AC.

- Tenant "SC-2"

On April 23, 2019, Agent Carey interviewed Medicaid recipient "SC-2." SC-2 rented a room at 3525 North 18th Street from a woman whom she knew as "Tracie." SC-2 reported that Tracie directed her and other tenants to see a doctor at Tracie's house, and that she saw this doctor on three Fridays. When the doctor arrived at Tracie's house, Tracie was present during the visits and the doctor wrote prescriptions in SC-2's name and handed them directly to Tracie. SC-2 stated that Tracie had this same arrangement with other tenants. SC-2 further told Agent Carey that Tracie transported her and other tenants to a pharmacy on Germantown Avenue, where Tracie filled the prescriptions. Tracie never gave the filled prescriptions to SC-2 or the other tenants. SC-2 described one occasion when she observed Tracie peel off the labels on the prescription bottles. SC-2 further stated that she went to Dr. Okolo's office on Germantown Avenue once, that Tracie was in the room during the appointment, and that Tracie was present during other tenants' appointments with Dr. Okolo. When viewing photo arrays, SC-2 positively identified Smith as "Tracie" and she identified Dr. Okolo. She did not identify Dr. Fallouh.

The PDMP Report reflected that from January 9, 2015 to November 11, 2016, Dr. Okolo wrote prescriptions for Oxycodone to SC-2 on 12 separate occasions, totaling 1,080 pills. The PDMP Report further reflected that from June 5, 2015 to February 1, 2016, Dr. Fallouh wrote

prescriptions for Oxycodone to SC-2 on 8 separate occasions, totaling 720 pills. The prescriptions were filled at Skippack and Chestnut Hill.

DHS billing claims records reflected that Skippack and Chestnut Hill submitted claims for prescriptions for SC-2 using her Medicaid number. Neither Dr. Okolo, nor Dr. Fallouh, nor Carriage House submitted Medicaid claims through DHS for outpatient visits or any other medical care for SC-2.

The Pharmacies

AmeriHealth's initial referral raised concerns about the relationship between Dr. Okolo and three pharmacies: Chestnut Hill, Skippack and Rams. The Grand Jury learned that Chestnut Hill, Skippack and Rams are all Medicaid providers.

The Grand Jury reviewed the PDMP Report and heard testimony from OAG Medicaid Fraud Control Section Analyst Dan Caffarello ("Analyst Caffarello"), who highlighted portions of the PDMP Report. The PDMP Report revealed that from January 1, 2015 to January 3, 2019, Dr. Okolo wrote 586 prescriptions for Oxycodone to 114 individuals residing at 3517 North 18th Street, 3521 North 18th Street and 3525 North 18th Street. According to the PDMP Report, the prescriptions for those 114 individuals were filled at Skippack (382 prescriptions), Chestnut Hill (149 prescriptions), 18th Street Apothecary (21 prescriptions), Nova Star (21 prescriptions), and Rams (13 prescriptions).

With regard to Dr. Fallouh, the PDMP Report revealed that from April 1, 2015 to January 3, 2019, he wrote 423 prescriptions for Oxycodone to 71 individuals residing at 3517 North 18th Street, 3521 North 18th Street and 3525 North 18th Street. According to the PDMP Report, the prescriptions for those 71 individuals were filled at Skippack (385 prescriptions) and Rams (38 prescriptions).

The Grand Jury learned that Chestnut Hill was located at 8030 Germantown Avenue and is 5.5 miles from the 3500 block of North 18th Street. Skippack was located at 4118 West Skippack Pike and is 27 miles from the 3500 block of North 18th Street. Rams is located at 801 West Main Street in Lansdale and is 21 miles from the 3500 block of North 18th Street. Agent Carey testified that based upon his training and experience, criminal activity is suspected whenever an individual travels a distance to fill prescriptions when there are other pharmacies located nearby. The Grand Jury learned that there are dozens of pharmacies located within a few miles of the 3500 block of North 18th Street.

- Chestnut Hill Pharmacy

Megan Gill ("Gill"), a registered pharmacist, testified before the Grand Jury and stated that she began working as the head pharmacist at Chestnut Hill in 2012. From 2015 to 2018, she was the pharmacy's majority owner. She testified that in 2018, Chestnut Hill closed and was sold to Rite Aid, and, after the sale, Chestnut Hill's records, including electronic records, patient files and inventory, were transferred to Rite Aid.

Gill testified that she was responsible for checking prescription accuracy and providing counseling if requested by the patient. She testified that every patient was required to sign the signature log when picking up a prescription. However, she stated that Chestnut Hill did not have any policies restricting an individual from picking up prescriptions for another person, and it was not unusual for this to occur at the pharmacy. Gill testified that starting in 2015, Chestnut Hill requested a copy of a patient's driver's license for controlled substance prescriptions. A copy was then scanned into the system.

Gill testified that she first met Smith when she visited Chestnut Hill and spoke with Gill about filling prescriptions for individuals residing at her homes in North Philadelphia. Smith told

Gill that she was the care-coordinator for a number of people living in her homes. Gill testified that Smith and her tenants (sometimes as many as five) began coming to Chestnut Hill at least twice a month to retrieve prescriptions.

Gill testified that on one occasion, she traveled to North Philadelphia to meet with Smith. She testified that Smith showed her one of the "group homes" and she met another pharmacist (a male of Indian ethnicity) who worked with Smith. Smith told Gill that the majority of these group home patients saw Dr. Okolo, whom Gill testified she knew from the Rotary Club. Gill stated that she often spoke to Dr. Okolo or the staff at Carriage House to confirm the prescriptions filled at Chestnut Hill.

According to the PDMP Report, on November 11, 2016, 12 individuals associated with the properties owned by Smith picked up prescriptions from Chestnut Hill. Each of the prescriptions had been prescribed by Dr. Okolo. Gill believed that all 12 patients physically appeared to pick up their prescriptions.

- Skippack Pharmacy/Rams Pharmacy

Lakshmi Ramesh Kommineni ("Kommineni"), described as a male of Indian ethnicity, was the head pharmacist at Skippack from 2013 to 2016. In 2016, Skippack closed and, in 2018, it was sold to CVS. Kommineni testified that upon CVS's purchase, Skippack's records, including electronic patient records and Skippack's inventory, were transferred to CVS.

On July 15, 2019, the Grand Jury listened to Agent Carey's June 10, 2019 audio-recorded interview of Bonnie Alderfer ("Alderfer"). Alderfer worked at Skippack for 50 years. She stated that while working there as a pharmacy technician in 2015, tenants from a group home in Philadelphia owned by a woman named "Tracie" obtained Oxycodone and Xanax from the pharmacy. Alderfer stated that she spoke to Tracie a few times on the telephone, and that Tracie

met with Kommineni at Skippack. Alderfer further stated that she believed another pharmacy tech by the name of "Wanda Mabel" attended a meeting with Kommineni and Tracie in Philadelphia.

During the interview, Alderfer described the process by which tenants at Tracie's properties (*i.e.*, the properties in the 3500 block of North 18th Street) picked up prescriptions at Skippack. She stated that one or two people came to Skippack and picked up prescriptions for Oxycodone, Alprazolam and other medications. She recalled that as many as 30-40 prescriptions for Oxycodone and Alprazolam were retrieved on a single occasion. The patients themselves did not personally appear to pick up their prescriptions, but rather, another individual(s) retrieved them. Alderfer believed that Kent Hunter was one of these individuals and that he either paid cash or used the patients' Medicaid information. Alderfer stated that she questioned Kommineni about why these patients only obtained Oxycodone and Xanax, and that Kommineni subsequently told Tracie that the patients needed to obtain other medications as well. After this conversation, Smith's patients had other medications filled there, but the individual who picked up those other medications left them at the pharmacy counter. Alderfer stated that based on her 53 years of experience this was not common practice and she knew something was suspect about the arrangement between Skippack and Tracie's group home in Philadelphia.

On August 5, 2019, Mabel Wanda Snyder ("Snyder"), a pharmacy tech at Skippack from 2005 until 2016, testified before the Grand Jury. She testified that Smith called Skippack looking for a pharmacy to fill her tenants' prescriptions, claiming she was looking for a "mom and pop" pharmacy because she wanted more specialized attention to her tenants' needs. Smith explained to Snyder that her tenants were veterans and homeless individuals and that she had a group home. Snyder testified that she and Kommineni went to Smith's property in North Philadelphia to meet

with Smith, and they also attended a community event hosted by Smith, where Smith introduced Snyder to other individuals who allegedly provided medical care to Smith's tenants.

Snyder testified that Skippack had a signature log system, which required every person picking up a prescription to sign for it. Snyder stated that the doctors working with Smith's tenants called-in prescriptions and then Hunter and another person picked up the prescriptions, sometimes as many as 20 at a time. If it was a prescription for a new patient, Hunter brought the person's identification. Hunter paid the co-pay for patients who had insurance and paid cash for those who did not. On some occasions, Smith called and then faxed a list of prescriptions.

Snyder testified that Skippack required Hunter to produce hard copies of prescriptions only for controlled substances and picture identification only for new patients. Otherwise, Skippack filled all prescriptions without question and Hunter left Skippack with "bags" of Oxycodone and other medications. Snyder recognized the names of both Dr. Okolo and Dr. Fallouh and believed they were the two doctors associated with Smith's tenants.

On October 7, 2019, Kommineni testified before the Grand Jury. He stated that he worked at Skippack from 2013 to 2016, and then began working at Rams, which he ultimately purchased in 2019. He produced prescriptions, patient files, billing records, signature logs, and other records for 28 patients. Kommineni testified that as Skippack's head pharmacist, he was responsible for verifying prescriptions, ensuring there were no negative medication interactions, printing labels, and double-checking pill counts. Kommineni told the Grand Jury that individuals who picked up prescriptions were required to sign the signature log. Skippack retained a copy of the patient's driver's license for the patient file. Kommineni testified that after an incident where a patient complained that he/she did not receive their medication, he (Kommineni) began requiring patients to complete an authorization form allowing others to pick up their prescriptions, but only for those

customers who made complaints. Kommineni testified that he asked the patients from Smith's "Philadelphia group home" to physically come to Skippack the first time they had prescriptions filled at the pharmacy. After the patient appeared the first time, he/she did not need to appear again to obtain their prescriptions; rather, Hunter picked up most of the prescriptions.

Kommineni testified that Smith contacted him in 2013 or 2014, explaining that she was looking for a pharmacy to fill prescriptions for people living in her group homes. Smith indicated that she housed addicts from the street and took them to a doctor and a pharmacy to fill prescriptions. Kommineni told Smith he needed to examine the group homes and talk to the doctors before filling prescriptions. He testified that he and Snyder traveled to Smith's home in Philadelphia, where Smith gave them a tour of the property, which he described as a two or three-story row house. Smith informed him that she was helping people who were addicted to pain medication. After meeting Smith, Kommineni attended a large party hosted by Smith that was attended by 75-100 people. There, Kommineni met pastors, public officials, Dr. Okolo, and other pharmacists.

Thereafter, Kommineni and Skippack began doing business with Smith and her group homes. Kommineni testified that Dr. Okolo or Dr. Fallouh called or faxed prescriptions for non-controlled substances, and someone brought hard copies of prescriptions for controlled substances. Kommineni testified that Smith faxed him a copy of new patients' identification and insurance cards. Further, he testified that either Smith or Hunter, generally accompanied by approximately five people, picked up the prescriptions, paying cash or using the patients' insurance. Kommineni testified that he never allowed a patient to pay cash for a controlled substance prescription if the patient had insurance.

Additionally, Kommineni testified that he spoke to Dr. Okolo, Dr. Fallouh or the Carriage House office staff, in order to confirm every prescription. The number of prescriptions prepared varied, ranging anywhere between five to 30 prescriptions at a time. He stated that basically every patient received prescriptions for Oxycodone and Xanax.

Kommineni testified that Smith's Philadelphia group home was the only Skippack customer that operated this way. Skippack did not fill large amounts of controlled substance prescriptions for patients who were not present for any other business or facility.

When Kommineni began working as the head pharmacist at Rams' in 2016, he continued to fill prescriptions for Hunter and those who accompanied him. While at Rams, Kommineni worked with Dr. Fallouh. Kommineni knew that Dr. Fallouh and Dr. Okolo worked together. Dr. Fallouh called-in prescriptions to Kommineni and then someone else picked them up.

The Physicians

- Dr. Emmanuel Okolo

On January 16, 2019, Agent Carey spoke with Dr. Okolo at Carriage House. Dr. Okolo told Agent Carey that he began his practice in 2007 and is a general practitioner specializing in geriatric care. Dr. Okolo stated that the medical files for his patients are maintained electronically at Carriage House. He stated that between 2015 and 2017, he treated patients at a group home near Temple University Hospital in Philadelphia that was owned and operated by a landlord named "Tracie." Dr. Okolo said he visited patients at Tracie's house and then transitioned them to Carriage House.

Dr. Okolo stated that he billed the insurance companies for his visits every time he saw a patient. If patients at the group home did not have insurance, he charged them \$100.00 for the visit. He denied that any of the patients he treated from the group home were enrolled in Medicaid. He explained that he usually treated 8 to 10 patients from Tracie's group home once a month (on

Thursdays or Fridays) and denied ever giving Tracie the prescriptions he wrote for patients from her group home.

On March 13, 2019, Dr. Okolo testified before the Grand Jury as the custodian of records for Carriage House. Dr. Okolo produced files for 91 patients, which included patient progress notes (handwritten and in electronic medical records ("EMR")). Dr. Okolo explained that if he saw a patient at Carriage House, he inputted the visit directly into the EMR. He stated that if he saw a patient outside Carriage House, he prepared a handwritten visit note that he inputted into an EMR when returning to the office.

Eighty-nine (of the 91) patient files Dr. Okolo produced were for tenants of Smith's North Philadelphia properties. These files included copies of the prescriptions for controlled substances and patient biographical information. The files rarely included any billing information for insurance companies or receipts for cash payments. The files also did not include visit notes (documentation indicative of a face-to-face visit with a patient) for the majority of the dates when Dr. Okolo issued prescriptions to Smith's tenants. Furthermore, the files rarely included any supporting medical records, such as referrals, laboratory results, hospital discharge information, or other medical information to support the consistent prescribing of Oxycodone, Alprazolam and other medications.

Dr. Okolo also produced files for two patients ("RJ and "TV") who did not reside at Smith's properties. In contrast to the files for Smith's tenants, the files for "RJ" and "TV" were voluminous and were produced on a flash-drive.

The file produced for RJ reflected that he was Dr. Okolo's patient from 2016 to 2018, during which Dr. Okolo regularly saw him at Carriage House. RJ's patient file consisted of 454 pages, including 27 visit notes, laboratory reports, referral information, hospital discharge

information, billing/insurance information and other medical records. TV was Dr. Okolo's patient from 2011 to 2017, during which time Dr. Okolo saw her at her home. TV's patient file consisted of 604 pages, including 36 visit notes, laboratory reports, referral information, hospital discharge information, billing/insurance information and other medical records.

On January 7, 2020, OAG Medicaid Fraud Control Section Analyst Meghan LaChapelle ("Analyst LaChapelle") testified before the Grand Jury about her review of the patient files produced by Dr. Okolo and the PDMP Report. For Smith's tenants, Dr. Okolo prepared a visit note (indicative of a face-to-face patient visit) for only approximately 29% of the dates when he issued a prescription for Oxycodone.

- Dr. Mohanad Fallouh

On May 8, 2019, Agent Carey interviewed Dr. Fallouh. Dr. Fallouh stated that Dr. Okolo referred him to a "halfway house" in Philadelphia to treat residents, and that Dr. Okolo was also treating residents there. Dr. Fallouh stated he treated approximately 20 residents each visit, every two weeks. Dr. Fallouh stated that the halfway house's landlord was present during all of the patient evaluations. Dr. Fallouh further told Agent Carey that some of the residents provided paperwork about their medication history and asked him to re-fill those medications. He stated he prescribed a lot of pain medication based upon the residents' requests, but felt uncomfortable doing this because he was aware that patients who are prescribed pain medication (like Oxycodone) should gradually receive a lower dosage. Nevertheless, he said he would prescribe the pain medication and he re-filled the prescriptions in the dosage requested, or according to what was reflected on previous paperwork from the halfway house. He stated that he handed all of the residents' prescriptions directly to the landlord based upon her request and the requests of some of the residents.

Dr. Fallouh also stated that if the residents told him they did not have insurance, he accepted cash from either the landlord or residents in connection with each patient visit. He stated that if the residents had insurance, such as Medicaid, he billed the insurance. He said he was not sure how much cash he accepted for each patient visit.

In addition, Dr. Fallouh told Agent Carey that he ordered urine screenings because he was prescribing pain medication for the residents. He stated that he also prescribed medications for illnesses, not just controlled substances. He stated that he examined the residents at the halfway house every time he saw them and recorded notes from his visit on his laptop.

Dr. Fallouh told Agent Carey that he initially did not suspect anything was wrong when he treated residents at the halfway house, but as time went on he noticed that his orders for urine screenings were not being fulfilled by the residents. He said he then believed there was something suspect with the arrangement at the halfway house, but, nevertheless, he did as the landlord instructed.

Dr. Fallouh visited this halfway house for two to three months. He said his prescription pad was never stolen, nor was it under the control or within the possession of anyone else. He identified Smith from a photo array as the landlord with whom he was doing business and who was receiving his prescriptions.

On June 5, 2019, Dr. Fallouh testified before the Grand Jury and produced 97 patient files.

Dr. Fallouh testified that he kept his patient records electronically in EMRs. Dr. Fallouh testified that whether he saw a patient inside or outside of the office, he inputted his visit notes and billing information into the EMR. He testified he did not know how to enter cash or check payments into the EMR and therefore he had no record of any such payments.

Dr. Fallouh's patient files included patient biographical information and visit notes, but rarely included any billing information for insurance companies and never contained cash receipts. Dr. Fallouh's patient files also rarely included any supporting medical records, such as referrals, laboratory results, or other medical records to support the consistent prescribing of Oxycodone, Alprazolam and other medications. The EMRs did not always contain visit notes corresponding to the prescriptions. Dr. Fallouh's patient files and the PDMP Report revealed that he prepared a visit note (indicative of a face-to-face visit with a patient) for approximately 42% of the dates on which he prepared a prescription.

Other Witnesses

- Dr. Philip Taormina

During the course of the investigation, the Grand Jury also learned that Smith used a different doctor, Philip Taormina, M.D. ("Dr. Taormina"), to assist her in her pain medication scheme before she recruited Dr. Okolo and Dr. Fallouh.

Analyst LaChapelle informed the Grand Jury about the PDMP data for "LW," a patient of Dr. Okolo and Dr. Fallouh. The PDMP data for LW showed that he received prescriptions for Oxycodone from Dr. Taormina before LW began receiving prescriptions from Doctors Okolo and Fallouh. According to the PDMP data, Dr. Taormina last prescribed Oxycodone to LW on October 14, 2014. Dr. Okolo began prescribing Oxycodone to LW on October 31, 2014, just a short time later. Based upon this information and information from AmeriHealth's initial referral that Dr. Taormina had prescribed Oxycodone to AF and ME in 2014, Analyst LaChapelle obtained the PDMP data for Dr. Taormina from January 1, 2013 to June 1, 2015. That information showed that in 2014, Dr. Taormina prescribed large amounts of Oxycodone to individuals residing at the properties associated with Smith in the 3500 block of North 18th Street.

On December 5, 2019, Dr. Taormina testified before the Grand Jury. He stated that he graduated from medical school in 2003 and completed his residency in 2006. He began working as a licensed physician at a practice called "Dr. House Call," located on Oregon Avenue in Philadelphia. Dr. Taormina testified that while working at Dr. House Call from 2009 to 2014, he met Smith. Smith had reached out to Dr. House Call because she was looking for a doctor to come to her North Philadelphia properties to see her tenants. Dr. Taormina testified that Smith had someone transport him to her properties and that he saw tenants in the dining room of one of Smith's row homes. Smith provided Dr. Taormina with "patient charts," containing tenants' biographical information and specifying what medications they previously received. After Dr. Taormina saw all the tenants for that day, he handed the prescriptions directly to Smith. Dr. Taormina testified that Smith paid him in cash for seeing her tenants. Smith initially paid Dr. Taormina \$1,000.00 to \$1,500.00 for a visit, but after Dr. Taormina left Dr. House Call in 2014, Smith paid him \$200.00 per tenant. Dr. Taormina testified that, when he first visited tenants at Smith's property, he saw four to five tenants and spent time examining and speaking to them. He also prepared a visit note or SOAP⁵ note on each occasion when he saw a tenant. He either prepared his SOAP on paper or created an EMR documenting the visit.

Dr. Taormina testified that after he left Dr. House Call, he began his own practice at 13th and Wolf Streets in Philadelphia. As part of his practice, Dr. Taormina continued to travel to Smith's properties to see tenants. He began seeing more patients and writing prescriptions for as many as 20 tenants at a time, although they were not present. Smith provided an excuse for why those tenants were not there and requested that he write the prescriptions in their names while he

⁵ "SOAP" is an acronym for "subjective, objective, assessment, and plan," and signifies a method of documentation used by medical professionals.

happened to be there. She paid him in cash for those tenants whom he saw face-to-face on those occasions. She also paid him in cash for those tenants whom he did not see on those occasions but, nevertheless, wrote prescriptions.

Dr. Taormina testified that he had financial troubles and was under significant financial pressure in that he had fallen behind on bills, child support and alimony. During that time, Dr. Taormina saw more tenants at Smith's residence, for which Smith paid him \$100.00 to \$200.00 in cash, per patient. Dr. Taormina always wrote prescriptions for Oxycodone and Xanax. Dr. Taormina prescribed a tenant whatever Smith's chart directed him to prescribe. Dr. Taormina was unaware of whether the tenants actually received their medications. He also stated that he never performed drug or urine screens to confirm that the tenants were, in fact, taking their prescribed medications.

The Grand Jury viewed the PDMP data from January 1, 2013 to June 1, 2015, reflecting that on April 7, 2014 Dr. Taormina wrote 34 prescriptions, and on October 16, 2014, he prescribed controlled substances to approximately 70 patients. Most of those patients were prescribed Oxycodone and lived at Smith's properties.

On that same date, October 16, 2014, Dr. Taormina also prescribed medication to his grandmother. While Smith's tenants were prescribed Oxycodone 30 mg without even being present, Dr. Taormina prescribed a low level of Percocet to his 101-year-old grandmother, who was experiencing significant pain issues. His Percocet prescription for his grandmother had a morphine milligram equivalent ("MME") of 67.5.⁶

⁶ The Grand Jury learned that, on March 15, 2016, the Centers for Disease Control and Prevention ("CDC") issued guidelines regarding the appropriate level of MME for patients. A CDC fact sheet, entitled "Calculating Total Daily Dose of Opioids for Safer Dosage," provided that providers should "avoid or carefully justify increasing dosage to [greater than] 90 MME per day," due to higher risk of overdose death. Citing a national Veterans Health Administration study of patients

While Dr. Taormina gave Smith controlled substance prescriptions for patients who were not even present, he was also unlawfully prescribing controlled substances to other patients in South Philadelphia. The Grand Jury learned that he pled guilty to this offense in the Philadelphia Common Pleas Court on March 14, 2016 and was sentenced to a ten year probationary period. The Pennsylvania Department of State indefinitely suspended his license on September 27, 2018.

Dr. Taormina further testified that in October 2014, he allowed his medical license to lapse. After that, he stopped prescribing controlled substances to his South Philadelphia patients and to Smith's tenants. According to the PDMP data, the last date when Dr. Taormina prescribed medications to individuals residing at Smith's properties was October 29, 2014.⁷ The PDMP data revealed that Dr. Okolo began prescribing medication to Smith's tenants two days later on October 31, 2014.

- Kent Hunter

On August 5, 2019, Hunter, who is the cousin of Smith, appeared and testified before the Grand Jury. He stated that after he was released from prison in September 2013, Smith gave him a job driving to various pharmacies to pick up prescriptions for her tenants. Hunter testified that he believed Smith was taking care of the elderly tenants who lived at her properties.⁸ Hunter

with chronic pain receiving opioids from 2004 to 2009, the fact sheet indicated that patients who died of opioid overdose were prescribed an average of 98 MME daily, whereas "other patients" were prescribed an average of 48 MME daily. The CDC guidelines further provided that "[c]linicians should prescribe the lowest effective dosage. Clinicians should use caution when prescribing opioids at any dosage, should carefully reassess evidence of individual benefits and risks when considering increasing dosage to ≥ 50 morphine milligram equivalents (MME)/day, and should avoid increasing dosage to ≥ 90 MME/day or carefully justify a decision to titrate dosage to ≥ 90 MME/day."

⁷ The PDMP Report has one outlier: a prescription to "TP" for Oxycodone 30 mg that was written on May 29, 2015. The PDMP listed TP's address as 3525 North 18th Street.

⁸ According to PDMP data, the ages of the individuals living at Smith's properties ranged from teenagers to persons in their eighties.

explained that Smith generally gave him between six to 10 prescriptions and instructed him to go to a particular pharmacy to retrieve the prescriptions and deliver them to her. Hunter stated he would sign his name in the signature log when he picked up the prescriptions. He testified that Smith occasionally accompanied him to the pharmacy and, on one occasion at Skippack, he saw Smith talk to a tall "Indian" pharmacist (whom he still sees at Rams). Hunter further testified that Smith generally paid him \$150.00 every week to pick-up the prescriptions, and that he went to Skippack once a week. He testified that he did not know what Smith did with the prescriptions after he retrieved them, but he knew some of them were for Oxys, and he observed Smith handing pills to tenants.

Additionally, Hunter testified that Dr. Okolo and Dr. Fallouh came to Smith's houses to see tenants in the dining room. Both Dr. Okolo and Dr. Fallouh made notes on their computers when they saw the tenants. Hunter testified that Smith was present every time the tenants saw Dr. Fallouh or Dr. Okolo, and the physicians gave the prescriptions directly to Smith.

Hunter also had his own patient visits with Doctors Okolo and Fallouh. He testified that during those visits, Smith instructed him to tell the doctors that he had back pain so he could obtain prescriptions for Oxycodone. Hunter testified he had never received Oxycodone before seeing Dr. Okolo and Dr. Fallouh. Dr. Okolo also prescribed Xanax to Hunter, but Hunter stated that he did not know why it was prescribed.

Dr. Thomas's Expert Report

Stephen Thomas, M.D. ("Dr. Thomas"), a practicing medical doctor specializing in pain management and the owner of Pain & Disability Management Consultants, P.C., reviewed six patient files to determine whether Dr. Okolo and Dr. Fallouh prescribed controlled substances in accordance with accepted medical standards. The Grand Jury learned that Dr. Thomas has been

qualified in numerous federal and state courts as an expert in pain medicine and the management of controlled substances and addiction.

The PDMP data reflected that the six patients resided at one of Smith's North Philadelphia properties. For each patient, Dr. Thomas was provided with the patient's file produced by Dr. Okolo and Dr. Fallouh, the corresponding PDMP data, copies of any notes made by Dr. Okolo in personal notebooks, a copy of the search warrant executed at the Carriage House,⁹ and the transcripts of Dr. Okolo's and Dr. Fallouh's testimony before the Grand Jury. Dr. Thomas reviewed the documentation and prepared a report with his findings.

- Standards Used

Dr. Thomas explained the standards he relied upon to the Grand Jury:

In accordance with the Pennsylvania Controlled Substances Act, in order for a prescription to be provided for a medically legitimate purpose in the usual course of professional practice, the physician must be practicing in good faith, acting within the scope of the doctor-patient relationship, and providing medical care in accordance with the accepted treatment principles of any responsible segment of the medical community. Any controlled substance prescriptions written in the absence of good faith, outside the scope of the doctor-patient relationship, or not in accordance with the accepted treatment principles of any responsible segment of the medical community could not be deemed to have been for a legitimate medical purpose in the usual course of professional practice. The conditionals are conjunctive and must all be present in order for the prescription to be for a medically legitimate purpose in the usual course of professional practice.

* * *

In assessing the prescribing behavior documented in the medical records reviewed, I have applied the relevant basic pharmacologic principles of drug action, relying upon published treatment standards for the prescription of controlled substances. The observable prescribing behavior has been viewed in the context of the usual course of *any* professional medical practice. Specifically, I have applied "Prescribing, administering and dispensing controlled substances," Title 49, PA Code §16.92 as the minimum standard of documentation for any Pennsylvania physician.

⁹ On January 30, 2019, OAG agents executed a search warrant at Carriage House, recovering paper files, digital patient records, and other records.

The Pennsylvania regulatory code provision on which Dr. Thomas relied, Title 49, Section 16.92(b) of the Pennsylvania Code, states:

(b) When prescribing, administering or dispensing drugs regulated under this section, a person licensed to practice medicine and surgery in this Commonwealth or otherwise licensed or regulated by the Board shall carry out, or cause to be carried out, the following minimum standards:

(1) *Initial medical history and physical examination.* An initial medical history shall be taken and an initial physical examination shall be conducted unless emergency circumstances justify otherwise. Medical history and physical examination information recorded by another licensed health care provider may be considered if the medical history was taken and the physical examination was conducted within the immediately preceding 30 days. The physical examination shall include an objective evaluation of the heart, lungs, blood pressure and body functions that relate to the patient's specific complaint.

(2) *Reevaluations.* Reevaluations of the patient's condition and efficacy of the drug therapy shall be made consistent with the condition diagnosed, the drug or drugs involved, expected results and possible side effects.

(3) *Patient counseling.* The patient shall be counseled regarding the condition diagnosed and the drug prescribed, administered or dispensed. Unless the patient is in an inpatient care setting, the patient shall be specifically counseled about dosage levels, instructions for use, frequency and duration of use and possible side effects.

(4) *Medical records.* Accurate and complete medical records must document the evaluation and care received by patients.

(i) On the initial occasion when a drug is prescribed, administered or dispensed to a patient, the medical record must include the following:

(A) A specification of the symptoms observed by the licensed health care provider and reported by the patient.

(B) The diagnosis of the condition for which the drug is being given.

(C) The directions given to the patient for the use of the drug.

(D) The name, strength and quantity of the drug and the date on which the drug was prescribed, administered or dispensed.

(ii) After the initial occasion when a drug is prescribed, administered or dispensed, the medical record must include the information required in subsection (b)(4)(i)(D) and changes or additions to the information recorded under subsection (b)(4)(i)(A)-(C).

49 Pa. Code § 16.92(b). In rendering his opinion, Dr. Thomas also consulted the Pennsylvania Guidelines on the Use of Opioids to Treat Chronic Non-Cancer Pain (published by the Pennsylvania Medical Society in 2014), and the CDC's Guidelines for the Prescriptions of Opioids for Chronic Pain (published in March 2016), both of which he noted "represent well-promulgated admonitions to physicians seeking to assure best practices in the area of opioid management." Dr. Thomas further indicated that prescriptions must be written for the legitimate medical needs of the patients in the context of the doctor-patient relationship and attending to the underlying physiology, pharmacology, risk and benefits of the drugs.

- Patient Files

Dr. Thomas reviewed the following patient files and rendered the following findings and conclusions:

1. "MB"

Dr. Okolo's file for MB contained one visit note dated August 5, 2016, but contained prescriptions for Oxycodone and Alprazolam on five occasions (August 5, 2016,¹⁰ September 2, 2016,¹¹ September 15, 2016, October 14, 2016, and November 27, 2016). Based upon his review,

Dr. Thomas found:

Dr. Okolo's pattern of prescribing of Oxycodone and Alprazolam to [MB] was haphazard, excessive, and occurred in the absence of clear diagnosis of appropriate monitoring of the patient. He prescribed in the absence of informed consent or risk mitigation of any kind. As such, in my opinion, these prescriptions were not for a medically legitimate purpose in the usual course of professional practice, as they were not written in accordance with the accepted treatment principles in a responsible segment of the medical community.

¹⁰ Records produced from Chestnut Hill indicated that an additional prescription for Oxycodone HCL 15 mg for MB was filled on October 28, 2016. That prescription does not appear in the PDMP data or Dr. Okolo's file.

¹¹ Medicaid billing information revealed that MB was actually an inpatient at Temple University Hospital from September 1, 2016 through September 5, 2016.

2. "SC-3"

Dr. Okolo's file for SC-3 contained no visit notes, but contained prescriptions for Oxycodone and Alprazolam on April 5, 2016 and July 14, 2016.¹²

Dr. Fallouh's file for SC-3 contained a visit note for three dates (May 27, 2015, August 26, 2015, and December 16, 2015), but the file noted that he prescribed Oxycodone HCL 20 mg on May 27, 2015, June 17, 2015, July 14, 2015, August 12, 2015, August 26, 2015, October 23, 2015, November 18, 2015, December 16, 2015, and twice on January 13, 2016. Additionally, he prescribed Alprazolam on May 27, 2015, August 26, 2015, and December 16, 2015, authorizing two refills on each occasion.

Dr. Thomas found that "[i]n no way did the doctors monitor or establish a diagnosis for the use of the drug. The prescribing was not for a medically legitimate purpose in the usual course of professional practice."

3. "TC-2"

Dr. Okolo's file for TC-2 contained no visit notes indicative of a face-to-face visit with a patient, but contained prescriptions for Oxycodone and Alprazolam on seven occasions (April 1, 2016, April 15, 2016, June 9, 2016, September 15, 2016, October 14, 2016, August 5, 2016, and November 11, 2016).¹³

Dr. Fallouh's file for TC-2 contained a visit note for three days (July 14, 2015, September 23, 2015, and January 13, 2016), but his file noted that he prescribed Oxycodone HCL 30 mg on seven occasions (July 14, 2015, August 12, 2015, August 26, 2015, September 23, 2015, October

¹² The PDMP Report indicated that Dr. Okolo also wrote a prescription for Oxycodone 20 mg on June 24, 2016.

¹³ The PDMP Report indicated that Dr. Okolo also wrote prescriptions for Oxycodone on February 19, 2016 and September 3, 2016.

23, 2015, November 18, 2015, and January 13, 2016). He also prescribed Alprazolam on July 14, 2015, September 23, 2015, and January 13, 2016, authorizing two refills on each occasion.

Dr. Thomas found that TC-2 received these prescriptions “with minimal documentation and no medical justification for the prescribing.” Dr. Thomas further indicated that the prescription doses were too high and the doctors applied no risk mitigation or monitoring of TC-2’s intake. As such, their prescribing “was not for a medically legitimate purpose in the usual course of professional practice.”

4. “LW”

Dr. Okolo’s file for LW contained visit notes for an unknown date and January 16, 2015, but the file contained prescriptions for Oxycodone and Alprazolam on seven occasions (April 30, 2016, June 9, 2016, July 27, 2016, August 15, 2016, October 14, 2016, and November 18, 2016, and April 1, 2016).¹⁴

Dr. Fallouh’s file contained visit notes for three occasions (June 4, 2015, July 24, 2015, and November 18, 2015), but the file noted that he prescribed Oxycodone HCL 20 mg on two occasions (June 4, 2015 and July 24, 2015) and Oxycodone HCL 30 mg on seven occasions (August 12, 2015, August 26, 2015, September 23, 2015, November 4, 2015, November 18, 2015, December 16, 2015, and January 13, 2016). Additionally, he prescribed Alprazolam on June 4, 2015, and November 18, 2015, authorizing two refills on each occasion.

Dr. Thomas found that:

[LW] was another psychiatrically disturbed patient to whom Drs. Fallouh and Okolo provided high-dose opioids without adequate monitoring or follow-up. The indication for the medications were nebulous and there was no assessment of the effectiveness of the drug. There was no primary diagnostic information or monitoring of the patient’s medication taking behavior. In my opinion, the

¹⁴ The PDMP data indicated that Dr. Okolo also wrote prescriptions for LW for Oxycodone on October 31, 2014, January 16, 2015, January 19, 2016, and August 18, 2016.

prescribing was not for a medically legitimate purpose in the usual course of professional practice.

5. "RM"

Dr. Okolo's file for RM contained two visit notes (dated November 11, 2016 and April 1, 2016), but the file contained prescriptions for Oxycodone and Alprazolam on nine occasions (April 1, 2016, May 13, 2016, June 9, 2016, July 6, 2016, August 5, 2016, September 15, 2016, September 16, 2016, October 14, 2016, and November 11, 2016).¹⁵ Dr. Thomas found that:

[RM] was an obese woman with low back pain complaints, a history of psychiatric difficulties and problems with impulse control. Despite the absence of medical indication, Dr. Okolo prescribed high-dose opioids to an otherwise opioid-naïve individual. In my opinion, the controlled substance prescribing was not for a legitimate medical purpose in the usual course of professional practice.

6. "CD"

Dr. Okolo's patient file for CD contained one visit note for October 2, 2015, but the file contained prescriptions for Oxycodone and Alprazolam on six occasions (April 1, 2016, April 30, 2016, May 15, 2016, June 9, 2016, August 5, 2016, and September 30, 2016).¹⁶

Dr. Fallouh's files for CD contained a visit note for October 23, 2015, but his files reflected that he prescribed Oxycodone HCL 30 mg on four occasions (October 23, 2015, December 2, 2015, January 1, 2016, and January 29, 2016). He prescribed Alprazolam on October 23, 2015, authorizing two refills.

Dr. Thomas found that, notwithstanding that CD had:

¹⁵ The PDMP Report did not include the dates of May 13, 2016, June 9, 2016 and July 6, 2016. Dr. Okolo's patient file included prescriptions for those dates.

¹⁶ The PDMP Report indicated that Dr. Okolo also wrote prescriptions for CD for Oxycodone HCL 30 mg on October 2, 2015, and November 23, 2015. In addition, while the PDMP Report did not include the dates of May 13, 2016, June 9, 2016 and July 6, 2016, Dr. Okolo's patient file included prescriptions for those dates.

. . . psychiatric difficulties of impulse control and evidence of psychosocial instability, Drs. Okolo and Fallouh provided [CD] with multiple prescriptions for high-dose opioids without any assessment of their impact upon the patient's pain or function. There was no monitoring of her medication taking behavior. The medical record lacks evidence that the prescribing was for a medically legitimate purpose in the usual course of professional practice.

- Dr. Thomas's Conclusions

Dr. Thomas concluded that, for all six patients, Dr. Okolo and Dr. Fallouh prescribed controlled substances without a medically legitimate purpose in the usual course of professional practice. He summarized:

Un-informed RB

The materials reviewed are consistent throughout with a pattern of controlled substances prescribing that in every instance was excessive, haphazard, misinformed, and deliberately ~~uninformed~~, relative to the risks and benefits of the prescribing. The targeted patients were uniformly unsuitable for chronic opioid therapy, suffering from psychiatric disorders, complicating intercurrent illnesses and a lack of suitability documents medical diagnoses requiring opioid therapy. The medical records offer none of the required documentation that would support the prescribing. The initial doses were frequently greater than could be safely provided for a medically legitimate purpose in the usual course of professional practice. The high-dose opioid therapy was continued in the absence of the most basic risk mitigation strategies. All of these deficiencies in the face of the declared "epidemic" of prescription drug abuse and opioid overdose deaths were unconscionable. The combination of behaviors could not occur in the course of prescribing controlled substances for medically legitimate purpose in the usual course of professional practice. The location and circumstances of the prescribing was unusual at best. Its irregularity required the physicians to adhere more stringently to standard medical practices, not less.

Application of Expert Findings and Conclusions

The most complete file that Dr. Thomas reviewed in developing his opinions was Dr. Fallouh's patient file for TC-2, wherein Dr. Fallouh completed visit notes for Oxycodone prescriptions only 43% of the time he prescribed the medication to TC-2. This was the highest percentage for either physician among the six files that Dr. Thomas reviewed, and he found that it constituted "minimal medical documentation," insufficient to justify prescribing the controlled

substances and reflective of “[no] medically legitimate purpose in the usual course of professional practice.”

On February 5, 2020, Analysts Caffarello and LaChapelle testified that they reviewed the PDMP data and all patient files that Dr. Okolo and Dr. Fallouh produced. Using the PDMP data, they created a table juxtaposing the number of dates that the doctors prepared prescriptions for each tenant against the number of visit notes they prepared (reflecting an actual face-to-face visit with a patient), yielding a percentage for each tenant. Tenants for whom Dr. Okolo or Dr. Fallouh prepared a visit note for more than 43% of the prescription dates were not included, with the exception of those patients who were interviewed by AmeriHealth or Agent Carey, or who testified before the Grand Jury.¹⁷ For the remaining included individuals, Analyst Caffarello used DHS’s Fraud Abuse and Detection System (“FADS”) to determine whether Medicaid paid for a particular Oxycodone or Alprazolam prescription. Although a majority of the individuals were Medicaid recipients, a large number of the prescriptions were filled by paying cash.

The table below provides the initials of the tenants (except Hunter and Smith, whose last names are fully included), date of birth, number of PDMP entries for Oxycodone, total number of pills prescribed corresponding to the Oxycodone PDMP entries, number of PDMP entries for Xanax, total number of pills prescribed corresponding to the Xanax PDMP entries, number of visit notes in the doctor’s patient file, amount that Medicaid paid for the pills, and percentage of the time the doctor generated a visit note for tenant’s prescriptions.

¹⁷ The patients interviewed by AmeriHealth or Agent Carey or who testified before the Grand Jury, are noted with an asterisk.

• Dr. Okolo

Name	DOB	# of PDMP Entries for Oxy	Total # of Oxy Pills Prescribed	# of PDMP Entries for Xanax	Total # of Xanax Pills Prescribed	# of Visit Notes in Patient File	Medicaid Paid Amount	% Visit Note Generated by Doctor
SA		3	270	0	0	1	\$0.00	33%
MB		5	450	5	360	1	\$0.00	20%
DB		12	1080	0	0	2	\$301.53	17%
SB*		14	1200	4	240	0	\$551.58	0%
RC		1	90	0	0	0	\$0.00	0%
TC-2		8	660	5	300	0	\$0.00	0%
SC-3		2	150	2	60	0	\$0.00	0%
TC-1*		14	1230	8	480	6	\$491.01	43%
AC*		4	360	3	180	1	\$283.71	25%
SC-2*		12	1080	5	270	4	\$770.41	33%
SC-1*		16	1530	6	390	3	\$495.91	19%
DC		3	270	3	210	1	\$0.00	33%
AD		3	270	1	60	1	\$85.10	33%
CD		7	630	2	120	1	\$305.48	14%
ME*		7	630	6	330	2	\$215.27	29%
IE*		13	1170	4	240	4	\$675.96	31%
GE		4	390	0	0	0	\$0.00	0%
AF*		15	1260	5	150	3	\$341.15	20%
FG		6	510	3	150	1	\$0.00	17%
EG		7	660	3	180	0	\$322.98	0%
DG		10	720	5	300	2	\$0.00	20%
JG		4	420	4	300	1	\$0.00	25%
NG		7	630	5	300	1	\$281.08	14%
EG		6	540	4	180	2	\$0.00	33%
LG		6	540	6	420	2	\$143.36	33%
BH		10	930	6	330	4	\$245.12	40%
LH		12	1080	4	240	2	\$427.46	17%
Hunter*		12	1080	2	120	7	\$382.32	58%
RJ		14	1260	6	450	4	\$0.00	29%
WJ		12	1050	5	330	3	\$0.00	25%
CJ		9	810	6	360	3	\$386.41	33%
DJ		7	630	0	0	3	\$301.52	43%
MJ		5	450	0	0	0	\$222.88	0%
NJ		7	630	0	0	0	\$173.27	0%
SJ-2		5	450	5	360	1	\$0.00	20%

Name	DOB	# of PDMP Entries for Oxy	Total # of Oxy Pills Prescribed	# of PDMP Entries for Xanax	Total # of Xanax Pills Prescribed	# of Visit Notes in Patient File	Medicaid Paid Amount	% Visit Note Generated by Doctor
SJ-1*		6	540	5	300	1	\$403.47	17%
SJ-3		15	1350	6	360	5	\$603.38	33%
NK		18	1800	8	450	4	\$615.26	22%
TK		9	840	3	180	1	\$0.00	11%
RK		7	630	3	180	2	\$0.00	29%
DK		3	270	3	210	0	\$0.00	0%
TKW		6	540	0	0	0	\$0.00	0%
KL		13	1170	6	300	3	\$730.74	23%
BL		5	450	5	330	1	\$0.00	20%
DL		6	480	4	270	0	\$198.59	0%
RM-1		6	540	6	360	2	\$100.64	33%
RM-2		4	360	0	0	0	\$0.00	0%
HM		4	360	0	0	1	\$420.21	25%
DM		14	1200	5	300	5	\$392.69	36%
FM		7	600	5	300	1	\$0.00	14%
RN		7	630	2	120	2	\$215.48	29%
TP		12	1080	5	330	3	\$476.37	25%
LP		1	90	1	90	0	\$0.00	0%
RP		8	720	6	360	1	\$498.40	13%
NP		3	270	0	0	1	\$0.00	33%
MR		7	630	4	270	2	\$0.00	29%
CS		5	450	5	300	1	\$150.69	20%
NS		6	540	0	0	0	582.44	0%
SS		6	540	1	60	2	\$26.28	33%
Smith		10	930	6	510	2	\$416.22	20%
AS		4	360	0	0	1	\$0.00	25%
TW		12	1080	7	420	1	\$395.84	8%
LW		9	810	5	300	2	\$73.31	22%
KW-1		1	90	0	0	0	\$0.00	0%
KW-2		9	810	4	270	0	\$323.28	0%
DZ		10	900	6	390	1	\$345.51	10%
Total		515	46170	234	14370	111	\$14,372.31	20%

As evidenced by the above chart, Dr. Okolo issued 515 prescriptions for Oxycodone, totaling 46,170 pills, to the 66 individuals listed above, and 234 prescriptions for Xanax, totaling 14,370 pills, to the same individuals. Medicaid paid only \$14,372.31 for these prescriptions.

Furthermore, Dr. Okolo generated a visit note (reflecting that he actually saw the patient) only 20% of the time when he issued a prescription for Oxycodone. Moreover, Analyst Caffarello testified that the average MME for these 66 individuals was 94.38, a dosage level that increased the tenant's risk for overdose death.

OAG Bureau of Narcotics Investigation and Drug Control Agent John Gregory ("Narcotics Agent Gregory") testified before the Grand Jury and stated that the street value of Oxycodone in the Philadelphia area from 2015 to 2017 was \$1.00 per mg. As such, the estimated street value of the 46,170 Oxycodone pills prescribed by Dr. Okolo for the above patients was \$977,250.00.

Based on the excessive prescribing of controlled substances and complete lack of medical documentation substantiating the prescriptions, the Grand Jury finds that Dr. Okolo prescribed controlled substances to the above 66 patients without a medically legitimate purpose in the usual course of professional practice.

- Dr. Fallouh

Name	DOB	# of PDMP Entries for Oxy	Total # of Oxy Pills Prescribed	# of PDMP Entries for Xanax	Total # of Xanax Pills Prescribed	# of Visit Notes in Patient File	Medicaid Paid Amount	% Visit Note Generated by Doctor
SA		3	270	0	0	1	\$0.00	33%
SB*		4	360	0	0	2	\$138.29	50%
RC		3	270	0	0	1	\$0.00	33%
TC-2		7	750	0	0	3	\$0.00	43%
SC-3		10	870	0	0	3	\$0.00	30%
TC-1*		8	690	0	0	3	\$285.01	38%
AC*		8	675	0	0	3	\$492.38	38%
SC-2*		8	720	0	0	3	\$755.90	38%
SC-1*		8	840	0	0	3	\$364.15	38%
KC		10	870	0	0	3	\$407.75	30%
MC		6	690	0	0	2	\$335.74	33%
QC		8	690	0	0	2	\$367.96	25%
TC		7	630	0	0	3	\$298.51	43%
AD		7	480	0	0	3	\$0.00	43%

Name	DOB	# of PDMP Entries for Oxy	Total # of Oxy Pills Prescribed	# of PDMP Entries for Xanax	Total # of Xanax Pills Prescribed	# of Visit Notes in Patient File	Medicaid Paid Amount	% Visit Note Generated by Doctor
CD		4	330	0	0	1	\$333.00	25%
HD		9	900	0	0	3	\$0.00	33%
KD		5	540	0	0	0	\$217.18	0%
CE		4	480	0	0	1	\$0.00	25%
ME*		5	450	0	0	2	\$218.85	40%
IE*		5	420	0	0	2	\$473.71	40%
GE		3	360	0	0	0	\$0.00	0%
NF		6	495	0	0	2	\$0.00	33%
AF*		7	630	0	0	3	\$282.81	43%
GG		9	810	0	0	2	\$0.00	22%
EG		4	330	0	0	1	\$355.21	25%
DG		7	420	0	0	3	\$0.00	43%
MG		4	360	0	0	1	\$0.00	25%
AG		4	330	0	0	1	\$351.21	25%
EG		6	620	0	0	2	\$645.95	33%
LH		6	690	0	0	2	\$251.76	33%
Hunter*		8	720	0	0	4	\$339.25	50%
RJ		8	930	0	0	3	\$0.00	38%
BJ		4	450	0	0	1	\$471.21	25%
CJ		4	330	0	0	1	\$146.82	25%
DJ		5	420	0	0	1	\$169.24	20%
MJ		7	780	0	0	0	\$628.18	0%
NJ		8	700	0	0	2	\$352.66	25%
RJ		8	570	0	0	0	\$0.00	0%
NK		8	960	0	0	3	\$285.19	38%
WK		1	60	1	180	0	\$294.69	0%
RK		6	510	0	0	2	\$0.00	33%
YK		4	420	0	0	1	\$0.00	25%
TKW		8	840	0	0	3	\$0.00	38%
DL		8	870	0	0	3	\$367.85	38%
KM		10	870	0	0	4	\$1,044.04	40%
CM		7	630	0	0	3	\$283.36	43%
HM		6	540	0	0	2	\$620.27	33%
DM		6	540	0	0	2	\$223.38	33%
RN		5	405	0	0	2	\$304.63	40%
TP		5	480	0	0	1	\$217.85	20%
TR		9	1020	3	630	4	\$874.23	44%

Name	DOB	# of PDMP Entries for Oxy	Total # of Oxy Pills Prescribed	# of PDMP Entries for Xanax	Total # of Xanax Pills Prescribed	# of Visit Notes in Patient File	Medicaid Paid Amount	% Visit Note Generated by Doctor
GR		6	540	0	0	2	\$589.80	33%
MR		4	360	0	0	1	\$0.00	25%
DS		4	360	0	0	1	\$0.00	25%
NS		9	780	0	0	3	\$904.67	33%
SS		5	450	0	0	2	\$0.00	40%
KS		5	540	0	0	2	\$219.64	40%
Smith		8	870	0	0	3	\$364.00	38%
DS		5	450	0	0	2	\$0.00	40%
FT		6	720	0	0	2	\$330.90	33%
DT		4	330	0	0	1	\$123.38	25%
NT		3	330	0	0	1	\$0.00	33%
TW		11	870	1	180	4	\$343.49	36%
BW		4	360	0	0	1	\$0.00	25%
LW		9	780	0	0	3	\$0.00	33%
KW-1		5	450	0	0	2	\$0.00	40%
Total		408	38205	5	990	133	\$16,074.10	31%

The above chart demonstrates that Dr. Fallouh issued 408 prescriptions for Oxycodone, totaling 38,205 pills, to the 66 individuals listed above, and 5 prescriptions for Xanax, totaling 990 pills, to the same individuals.¹⁸ Dr. Fallouh generated only 133 visit notes for the 408 Oxycodone prescriptions (only 31% of the time that he issued a prescription for Oxycodone). Additionally, Medicaid paid only \$16,074.10 for those prescriptions. Analyst Caffarello testified that the average MME for these 66 individuals was 133.23, a dosage level that significantly increased the tenant's risk for overdose death.

¹⁸ Analyst Caffarello testified that pharmacies were not required to input data into the PDMP until January 2017, and as a result, the PDMP data does not encompass the full amount of Alprazolam prescribed by Dr. Fallouh. Analyst Caffarello testified that the FADS report for the same individuals reflected that Medicaid paid for 221 prescriptions, totaling 19,890 Xanax pills.

Narcotics Agent Gregory testified that the street value of Oxycodone in the Philadelphia area from 2015 to 2017 was \$1.00 per mg. As such, the estimated street value of the 38,205 Oxycodone pills prescribed by Dr. Fallouh for the above patients was \$1,072,100.00.

Based upon the excessive prescribing of controlled substances and the complete lack of medical documentation substantiating the prescriptions, the Grand Jury finds that Dr. Fallouh prescribed controlled substances to the above 66 patients without a medically legitimate purpose in the usual course of professional practice.