



Magisterial District Number: 07-2-02
MDJ: Hon. MARK D. DOUPLE
Address: 1277 ALMSHOUSE ROAD
WARRINGTON, PA 18976
Telephone: (215)343-7961

DEFENDANT: (NAME and ADDRESS):
RICHARD ALAN KONDAN
First Name Middle Name Last Name Gen.
5645 FOX VALLEY DRIVE
DOYLESTOWN, PA 18901

NCIC Extradition Code Type

- | | | | |
|---|---|--|---|
| <input type="checkbox"/> 1-Felony Full | <input type="checkbox"/> 5-Felony Pend. | <input type="checkbox"/> C-Misdemeanor Surrounding States | <input type="checkbox"/> Distance: ____ |
| <input type="checkbox"/> 2-Felony Ltd. | <input type="checkbox"/> 6-Felony Pend. Extradition Determ. | <input type="checkbox"/> D-Misdemeanor No Extradition | |
| <input checked="" type="checkbox"/> 3-Felony Surrounding States | <input type="checkbox"/> A-Misdemeanor Full | <input type="checkbox"/> E-Misdemeanor Pending | |
| <input type="checkbox"/> 4-Felony No Ext. | <input type="checkbox"/> B-Misdemeanor Limited | <input type="checkbox"/> F-Misdemeanor Pending Extradition Determ. | |

DEFENDANT IDENTIFICATION INFORMATION

Docket Number <u>CR-53-21</u>	Date Filed <u>3/24/21</u>	OTN/LiveScan Number <u>V 38 5170-2</u>	Complaint/Incident Number 99-2018-0201	Request Lab Services? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
GENDER <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	DOB <u>02/18/1963</u>	POB	Add'l DOB / /	Co-Defendant(s) <input checked="" type="checkbox"/>
First Name		Middle Name		Last Name
AKA				
RACE <input checked="" type="checkbox"/> White <input type="checkbox"/> Asian <input type="checkbox"/> Black <input type="checkbox"/> Native American <input type="checkbox"/> Unknown	ETHNICITY <input type="checkbox"/> Hispanic <input checked="" type="checkbox"/> Non-Hispanic <input type="checkbox"/> Unknown			
HAIR COLOR <input checked="" type="checkbox"/> GRY (Gray) <input type="checkbox"/> RED (Red/Aubn.) <input type="checkbox"/> SDY (Sandy) <input type="checkbox"/> BLU (Blue) <input type="checkbox"/> PLE (Purple) <input type="checkbox"/> BRO (Brown) <input type="checkbox"/> BLK (Black) <input type="checkbox"/> ONG (Orange) <input type="checkbox"/> WHI (White) <input type="checkbox"/> XXX (Unk./Bald) <input type="checkbox"/> GRN (Green) <input type="checkbox"/> PNK (Pink) <input type="checkbox"/> BLN (Blonde / Strawberry)				
EYE COLOR <input type="checkbox"/> BLK (Black) <input type="checkbox"/> BLU (Blue) <input type="checkbox"/> BRO (Brown) <input type="checkbox"/> GRN (Green) <input type="checkbox"/> GRY (Gray) <input checked="" type="checkbox"/> HAZ (Hazel) <input type="checkbox"/> MAR (Maroon) <input type="checkbox"/> PNK (Pink) <input type="checkbox"/> MUL (Multicolored) <input type="checkbox"/> XXX (Unknown)				
DNA <input type="checkbox"/> YES <input type="checkbox"/> NO	DNA Location			WEIGHT (lbs.)
FBI Number	MNU Number			
Defendant Fingerprinted <input type="checkbox"/> YES <input type="checkbox"/> NO				Ft. HEIGHT In.
Fingerprint Classification:				6 5

DEFENDANT VEHICLE INFORMATION

Plate #	State	Hazmat <input type="checkbox"/>	Registration Sticker (MM/YY) /	Comm'l Veh. Ind. <input type="checkbox"/>	School Veh. <input type="checkbox"/>	Oth. NCIC Veh. Code	Reg. same as Def. <input type="checkbox"/>
VIN	Year	Make	Model	Style	Color		

Office of the attorney for the Commonwealth Approved Disapproved because: _____

(The attorney for the Commonwealth may require that the complaint, arrest warrant affidavit, or both be approved by the attorney for the Commonwealth prior to filing. See Pa.R.Crim.P. 507).

ADA Tom Gannon
(Name of the attorney for the Commonwealth)

Via email
(Signature of the attorney for the Commonwealth)

3/24/2021
(Date)

I, <u>BRIAN RIMPLE/KELLY PORAY</u> (Name of the Affiant)	<u>28511-9928 / 635</u> (PSP/MPOETC -Assigned Affiant ID Number & Badge #)
of <u>BCDA/PA OAG</u> (Identify Department or Agency Represented and Political Subdivision)	<u>PA0094800</u> (Police Agency ORI Number)
do hereby state: (check appropriate box)	
1. <input checked="" type="checkbox"/> I accuse the above named defendant who lives at the address set forth above <input type="checkbox"/> I accuse the defendant whose name is unknown to me but who is described as _____	
<input type="checkbox"/> I accuse the defendant whose name and popular designation or nickname are unknown to me and whom I have therefore designated as John Doe or Jane Doe with violating the penal laws of the Commonwealth of Pennsylvania at [_____] <u>599 WEST STATE STREET,</u> (Subdivision Code) (Place-Political Subdivision)	
in <u>BUCKS</u> County	<u>[9]</u> on or about <u>SEPT. 17, 2002 THROUGH SEPT. 17, 2019</u> (County Code) (Offense Date)

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 DISTRICT COURT
 07-2-02



POLICE CRIMINAL COMPLAINT

Docket Number: CR-53-21	Date Filed: 3/24/21	OTN/LiveScan Number X 385170-2	Complaint/Incident Number 99-2018-0201
Defendant Name	First: RICHARD	Middle: ALAN	Last: KONDAN

The acts committed by the accused are described below with each Act of Assembly or statute allegedly violated, if appropriate. When there is more than one offense, each offense should be numbered chronologically.
 (Set forth a brief summary of the facts sufficient to advise the defendant of the nature of the offense(s) charged. A citation to the statute(s) allegedly violated, without more, is not sufficient. In a summary case, you must cite the specific section(s) and subsection(s) of the statute(s) or ordinance(s) allegedly violated.)

<input type="checkbox"/> Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older _____				
<input type="checkbox"/>			of the					
Lead?	Offense#	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code
PennDOT Data (if applicable)	Accident Number				<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone	
Statute Description (include the name of statute or ordinance): SEE ATTACHED SHEET								
Acts of the accused associated with this Offense: SEE ATTACHED SHEET								

<input type="checkbox"/> Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older _____				
<input type="checkbox"/>			of the					
Lead?	Offense#	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code
PennDOT Data (if applicable)	Accident Number				<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone	
Statute Description (include the name of statute or ordinance):								
Acts of the accused associated with this Offense:								

<input type="checkbox"/> Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older _____				
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PennDOT Data (if applicable)	Accident Number				<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone	
Statute Description (include the name of statute or ordinance):								
Acts of the accused associated with this Offense:								

OFFENSE 1: 35.780-113 (A)(14) 1 count Felony

Statue Description: The administration, dispensing, delivery, gift or prescription of any controlled substance by any practitioner unless done (i) in good faith in the course of his professional practice; (ii) within the scope of the patient relationship; (iii) in accordance with treatment principles accepted by a responsible segment of the medical profession.

Acts of the accused associated with this Offense: TO WIT: On or about September 17, 2015 through September 17, 2019, the defendant did treat T.B. by prescribing him/her high doses of Oxycodone, a Schedule II Controlled Substance, in a manner that no reasonable physician would prescribe opioid medication.

OFFENSE 2: 35.780-113 (A)(14) 1 count Felony

Statue Description: The administration, dispensing, delivery, gift or prescription of any controlled substance by any practitioner unless done (i) in good faith in the course of his professional practice; (ii) within the scope of the patient relationship; (iii) in accordance with treatment principles accepted by a responsible segment of the medical profession.

Acts of the accused associated with this Offense: TO WIT: On or about September 17, 2014 through September 17, 2019, the defendant did treat B.C. by prescribing him/her high doses of Oxycodone, a Schedule II Controlled Substance, in a manner that no reasonable physician would prescribe opioid medication.

OFFENSE 3: 35.780-113 (A)(14) 1 count Felony

Statue Description: The administration, dispensing, delivery, gift or prescription of any controlled substance by any practitioner unless done (i) in good faith in the course of his professional practice; (ii) within the scope of the patient relationship; (iii) in accordance with treatment principles accepted by a responsible segment of the medical profession.

Acts of the accused associated with this Offense: TO WIT: On or about September 17, 2014 through September 17, 2019, the defendant did treat W.C. by prescribing him/her high doses of Oxycodone, a Schedule II Controlled Substance, in a manner that no reasonable physician would prescribe opioid medication.

OFFENSE 4: 35.780-113 (A)(14) 1 count Felony

Statue Description: The administration, dispensing, delivery, gift or prescription of any controlled substance by any practitioner unless done (i) in good faith in the course of his professional practice; (ii) within the scope of the patient relationship; (iii) in accordance with treatment principles accepted by a responsible segment of the medical profession.

Acts of the accused associated with this Offense: TO WIT: On or about September 17, 2015 through September 17, 2019, the defendant did treat R.D. by prescribing him/her high doses of Oxycodone, a Schedule II Controlled Substance, in a manner that no reasonable physician would prescribe opioid medication.

OFFENSE 5: 35.780-113 (A)(14) 1 count Felony

Statue Description: The administration, dispensing, delivery, gift or prescription of any controlled substance by any practitioner unless done (i) in good faith in the course of his professional practice; (ii) within the scope of the patient relationship; (iii) in accordance with treatment principles accepted by a responsible segment of the medical profession.

Acts of the accused associated with this Offense: TO WIT: On or about September 17, 2014 through September 17, 2019, the defendant did treat A.D. by prescribing him/her high doses of Oxycodone, a Schedule II Controlled Substance, in a manner that no reasonable physician would prescribe opioid medication.

OFFENSE 6: 35.780-113 (A)(14) 1 count Felony

Statue Description: The administration, dispensing, delivery, gift or prescription of any controlled substance by any practitioner unless done (i) in good faith in the course of his professional practice; (ii) within the scope of the patient relationship; (iii) in accordance with treatment principles accepted by a responsible segment of the medical profession.

Acts of the accused associated with this Offense: TO WIT: On or about September 17, 2015 through September 17, 2019, the defendant did treat D.F. by prescribing him/her high doses of Oxycodone, a Schedule II Controlled Substance, in a manner that no reasonable physician would prescribe opioid medication.

OFFENSE 7: 35.780-113 (A)(14) 1 count Felony

Statue Description: The administration, dispensing, delivery, gift or prescription of any controlled substance by any practitioner unless done (i) in good faith in the course of his professional practice; (ii) within the scope of the patient relationship; (iii) in accordance with treatment principles accepted by a responsible segment of the medical profession.

Acts of the accused associated with this Offense: TO WIT: On or about September 17, 2014 through September 17, 2019, the defendant did treat N.H.G. by prescribing him/her high doses of Oxycodone, a Schedule II Controlled Substance, in a manner that no reasonable physician would prescribe opioid medication.

OFFENSE 8: 35.780-113 (A)(14) 1 count Felony

Statue Description: The administration, dispensing, delivery, gift or prescription of any controlled substance by any practitioner unless done (i) in good faith in the course of his professional practice; (ii) within the scope of the patient relationship; (iii) in accordance with treatment principles accepted by a responsible segment of the medical profession.

Acts of the accused associated with this Offense: TO WIT: On or about September 17, 2016 through September 17, 2019, the defendant did treat J.J. by prescribing him/her high doses of Oxycodone, a Schedule II Controlled Substance, in a manner that no reasonable physician would prescribe opioid medication.

OFFENSE 9: 35.780-113 (A)(14) 1 count Felony

Statue Description: The administration, dispensing, delivery, gift or prescription of any controlled substance by any practitioner unless done (i) in good faith in the course of his professional practice; (ii) within the scope of the patient relationship; (iii) in accordance with treatment principles accepted by a responsible segment of the medical profession.

Acts of the accused associated with this Offense: TO WIT: On or about September 17, 2002 through September 17, 2019, the defendant did treat G.J. by prescribing him/her high doses of Oxycodone, a Schedule II Controlled Substance, in a manner that no reasonable physician would prescribe opioid medication.

OFFENSE 10: 35.780-113 (A)(14) 1 count Felony

Statue Description: The administration, dispensing, delivery, gift or prescription of any controlled substance by any practitioner unless done (i) in good faith in the course of his professional practice; (ii) within the scope of the patient relationship; (iii) in accordance with treatment principles accepted by a responsible segment of the medical profession.

Acts of the accused associated with this Offense: TO WIT: On or about September 17, 2014 through September 17, 2019, the defendant did treat M.P. by prescribing him/her high doses of Oxycodone, a Schedule II Controlled Substance, in a manner that no reasonable physician would prescribe opioid medication.

OFFENSE 11: 35.780-113 (A)(14) 1 count Felony

Statue Description: The administration, dispensing, delivery, gift or prescription of any controlled substance by any practitioner unless done (i) in good faith in the course of his professional practice; (ii) within the scope of the patient relationship; (iii) in accordance with treatment principles accepted by a responsible segment of the medical profession.

Acts of the accused associated with this Offense: TO WIT: On or about September 17, 2014 through September 17, 2019, the defendant did treat R.R. by prescribing him/her high doses of Oxycodone, a Schedule II Controlled Substance, in a manner that no reasonable physician would prescribe opioid medication.

OFFENSE 12: 35.780-113 (A)(14) 1 count Felony

Statue Description: The administration, dispensing, delivery, gift or prescription of any controlled substance by any practitioner unless done (i) in good faith in the course of his professional practice; (ii) within the scope of the patient relationship; (iii) in accordance with treatment principles accepted by a responsible segment of the medical profession.

Acts of the accused associated with this Offense: TO WIT: On or about September 17, 2006 through September 17, 2019, the defendant did treat D.S. by prescribing him/her high doses of Oxycodone, a Schedule II Controlled Substance, in a manner that no reasonable physician would prescribe opioid medication.

OFFENSE 13: 35.780-113 (A)(14) 1 count Felony

Statue Description: The administration, dispensing, delivery, gift or prescription of any controlled substance by any practitioner unless done (i) in good faith in the course of his professional practice; (ii) within the scope of the patient relationship; (iii) in accordance with treatment principles accepted by a responsible segment of the medical profession.

Acts of the accused associated with this Offense: TO WIT: On or about February 8, 2018 through September 17, 2019, the defendant did treat B.W (10-19-1954). by prescribing him/her high doses of Oxycodone, a Schedule II Controlled Substance, in a manner that no reasonable physician would prescribe opioid medication.

OFFENSE 14: 35.780-113 (A)(14) 1 count Felony

Statue Description: The administration, dispensing, delivery, gift or prescription of any controlled substance by any practitioner unless done (i) in good faith in the course of his professional practice; (ii) within the scope of the patient relationship; (iii) in accordance with treatment principles accepted by a responsible segment of the medical profession.

Acts of the accused associated with this Offense: TO WIT: On or about September 17, 2012 through September 17, 2019, the defendant did treat B.W (03-14-1974). by prescribing him/her high doses of Oxycodone, a Schedule II Controlled Substance, in a manner that no reasonable physician would prescribe opioid medication.



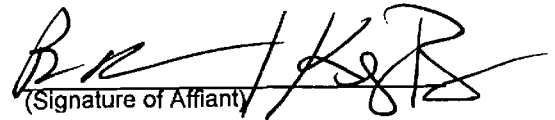
POLICE CRIMINAL COMPLAINT

Docket Number: <u>CR-53-21</u>	Date Filed: <u>3/24/21</u>	OTN/LiveScan Number <u>X 385170-2</u>	Complaint/Incident Number 99-2018-0201
Defendant Name	First: RICHARD	Middle: ALAN	Last: KONDAN

- I ask that a warrant of arrest or a summons be issued and that the defendant be required to answer the charges I have made.
- I verify that the facts set forth in this complaint are true and correct to the best of my knowledge or information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 Pa.C.S. § 4904) relating to unsworn falsification to authorities.
- This complaint consists of the preceding page(s) numbered ___ through ___.
- I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

The acts committed by the accused, as listed and hereafter, were against the peace and dignity of the Commonwealth of Pennsylvania and were contrary to the Act(s) of the Assembly, or in violation of the statutes cited.
(Before a warrant of arrest can be issued, an affidavit of probable cause must be completed, sworn to before the issuing authority, and attached.)

March 24 2021
 (Date) (Year)

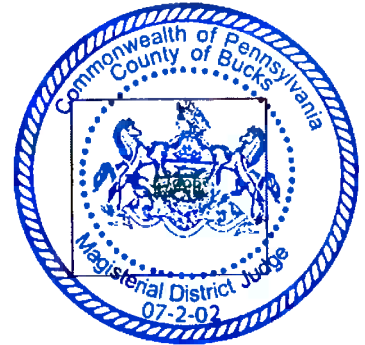

 (Signature of Affiant)

AND NOW, on this date 3/24/2021 I certify that the complaint has been properly completed and verified.

An affidavit of probable cause must be completed before a warrant can be issued.

07-2-02
 (Magisterial District Court Number)


 (Issuing Authority)





POLICE CRIMINAL COMPLAINT

Docket Number: <i>CR-53-21</i>	Date Filed: <i>3/24/21</i>	OTN/LiveScan Number <i>X 385170-2</i>	Complaint/Incident Number 99-2018-0201
Defendant Name:	First: RICHARD	Middle: ALAN	Last: KONDAN

AFFIDAVIT of PROBABLE CAUSE

Your Affiant Brian Rimple is a Bucks County Detective with the Bucks County District Attorney's Office assigned to the Drug Strike Force. Your Affiant Kelly Poray is a Narcotics Agent with the Pennsylvania Office of Attorney General (OAG), Bureau of Narcotics Investigations and Drug Control (BNIDC), being duly sworn in the Commonwealth of Pennsylvania, they depose and say:

Your Affiants have been involved in an investigation into the offenses in violation of the criminal laws of the Commonwealth. The joint investigation has utilized the Bucks County Investigating Grand Jury and as a result, the 19th Grand Jury of Bucks County in reference to investigation C-2, issued a Presentment on March 18, 2021, this Presentment was accepted by order of the Honorable Raymond F. McHugh Supervising Judge. The Presentment, attached to this Affidavit and incorporated herein by reference, recommends charges be filed by Matthew Weintraub, District Attorney for Bucks County, or his designee and Josh Shapiro, Attorney General, or his designee against the defendant as follows:

Offenses 1-14: The administration, dispensing, delivery, gift or prescription of any controlled substance by any practitioner unless done (i) in good faith in the course of his professional practice; (ii) within the scope of the patient relationship; (iii) in accordance with treatment principles accepted by a responsible segment of the medical profession; §780-113 (A)(14)/35 P.S.

Your Affiants have reviewed the Presentment and find that the factual findings described therein correspond to the joint Bucks County/OAG Investigative findings. Your Affiants have reviewed the sworn testimony given by the witnesses before the Grand Jury and find that it is consistent with the information contained within the Presentment.

Your Affiants have reviewed the evidence presented to the Grand Jury and finds that it comports with the result of the joint Bucks County/OAG Investigative efforts and findings as to the allegations contained in this complaint.

I, BRIAN RIMPLE/KELLY PORAY, BEING DULY SWORN ACCORDING TO THE LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE FOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

Brian Rimple / Kelly Poray

(Signature of Affiant)

Sworn to me and subscribed before me this 24 day of March 2021
3/24/2021 Date Matthew D. Deppa

Magisterial District Judge

My commission expires first Monday of January, 2022
DISTRICT COURT
2021 MAR 24 A 11:11



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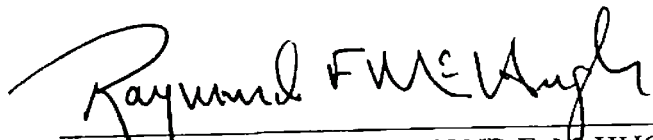
IN THE COURT OF COMMON PLEAS OF BUCKS COUNTY
CRIMINAL DIVISION

IN RE: : CP-09-MD-000714-2019
:
COUNTY INVESTIGATING GRAND JURY :
:
OF: APRIL 25, 2019 : GJ-19; C-2

ORDER

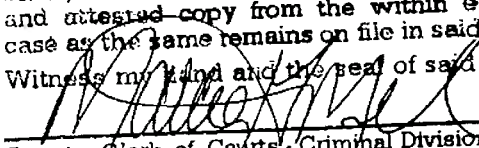
AND NOW, this 18th day of March, 2021, permission is GRANTED for the attorney for the Commonwealth to disclose information developed during the course of the Bucks County Investigating Grand Jury proceedings for the purposes of the prosecution of Dr. Richard Kondan. Permission to disclose is limited to Grand Jury Investigation GJ-19, C-2.

BY THE COURT:


THE HONORABLE RAYMOND F. McHUGH J.
SUPERVISING JUDGE

County of Bucks, S.S.

As Deputy Clerk of Courts - Criminal Division
to and for the County aforesaid, I do hereby
certify that the within and foregoing is a true
and attested copy from the within entitled
case as the same remains on file in said Court.
Witness my hand and the seal of said Court.


Deputy Clerk of Courts - Criminal Division

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2021 MAR 18 P 2:18
BUCKS COUNTY
CLERK OF COURTS

IN THE COURT OF COMMON PLEAS OF BUCKS COUNTY
CRIMINAL DIVISION

IN RE: : CP-09-MD-000714-2019
:
COUNTY INVESTIGATING GRAND JURY :
:
OF: APRIL 25, 2019 : GJ-19; C-2

FINDINGS AND ORDER

AND NOW, this 18th day of March, 2021, after having examined the Presentment of the Bucks County Investigating Grand Jury of April 25, 2019, which recommends the arrest of Dr. Richard Kondan on the following enumerated charges:

Unlawful Administration, Dispensing, Delivery, Gift, or Prescription of a Controlled Substance by Practitioner

35 Pa.C.S. § 780-113(a)(14), graded as an ungraded felony

Count 1: in that Dr. Richard Kondan engaged in the administration, dispensing, delivery, gift or prescription of any controlled substance to patient T.B. by any practitioner or professional assistant under the practitioner's direction and supervision unless done (i) in good faith in the course of his professional practice; (ii) within the scope of the patient relationship; (iii) in accordance with treatment principles accepted by a responsible segment of the medical profession.

Count 2: in that Dr. Richard Kondan engaged in the administration, dispensing, delivery, gift or prescription of any controlled substance to patient B.C. by any practitioner or professional assistant under the practitioner's direction and supervision unless done (i) in good faith in the course of his professional practice; (ii) within the scope of the patient relationship; (iii) in accordance with treatment principles accepted by a responsible segment of the medical profession.

Count 3: in that Dr. Richard Kondan engaged in the administration, dispensing, delivery, gift or prescription of any controlled substance to patient W.C. by any practitioner or professional assistant under the practitioner's direction and supervision unless done (i) in good faith in the course of his professional practice; (ii) within the scope of the patient relationship; (iii) in accordance with treatment principles accepted by a responsible segment of the medical profession.

Count 4: in that Dr. Richard Kondan engaged in the administration, dispensing, delivery, gift or prescription of any controlled substance to patient R.D. (DOB 3/2/1970) by any practitioner or professional assistant under the practitioner's direction and supervision

unless done (i) in good faith in the course of his professional practice; (ii) within the scope of the patient relationship; (iii) in accordance with treatment principles accepted by a responsible segment of the medical profession.

Count 5: in that Dr. Richard Kondan engaged in the administration, dispensing, delivery, gift or prescription of any controlled substance to patient A.D. by any practitioner or professional assistant under the practitioner's direction and supervision unless done (i) in good faith in the course of his professional practice; (ii) within the scope of the patient relationship; (iii) in accordance with treatment principles accepted by a responsible segment of the medical profession.

Count 6: in that Dr. Richard Kondan engaged in the administration, dispensing, delivery, gift or prescription of any controlled substance to patient D.F. by any practitioner or professional assistant under the practitioner's direction and supervision unless done (i) in good faith in the course of his professional practice; (ii) within the scope of the patient relationship; (iii) in accordance with treatment principles accepted by a responsible segment of the medical profession.

Count 7: in that Dr. Richard Kondan engaged in the administration, dispensing, delivery, gift or prescription of any controlled substance to patient N.H.G. by any practitioner or professional assistant under the practitioner's direction and supervision unless done (i) in good faith in the course of his professional practice; (ii) within the scope of the patient relationship; (iii) in accordance with treatment principles accepted by a responsible segment of the medical profession.

Count 8: in that Dr. Richard Kondan engaged in the administration, dispensing, delivery, gift or prescription of any controlled substance to patient J.J. by any practitioner or professional assistant under the practitioner's direction and supervision unless done (i) in good faith in the course of his professional practice; (ii) within the scope of the patient relationship; (iii) in accordance with treatment principles accepted by a responsible segment of the medical profession.

Count 9: in that Dr. Richard Kondan engaged in the administration, dispensing, delivery, gift or prescription of any controlled substance to patient G.J. by any practitioner or professional assistant under the practitioner's direction and supervision unless done (i) in good faith in the course of his professional practice; (ii) within the scope of the patient relationship; (iii) in accordance with treatment principles accepted by a responsible segment of the medical profession.

Count 10: in that Dr. Richard Kondan engaged in the administration, dispensing, delivery, gift or prescription of any controlled substance to patient M.P. by any practitioner or professional assistant under the practitioner's direction and supervision unless done (i) in good faith in the course of his professional practice; (ii) within the scope of the patient relationship; (iii) in accordance with treatment principles accepted by a responsible segment of the medical profession.

Count 11: in that Dr. Richard Kondan engaged in the administration, dispensing, delivery, gift or prescription of any controlled substance to patient R.R. by any practitioner or professional assistant under the practitioner's direction and supervision unless done (i) in good faith in the course of his professional practice; (ii) within the

scope of the patient relationship; (iii) in accordance with treatment principles accepted by a responsible segment of the medical profession.

Count 12: in that Dr. Richard Kondan engaged in the administration, dispensing, delivery, gift or prescription of any controlled substance to patient D.S. by any practitioner or professional assistant under the practitioner's direction and supervision unless done (i) in good faith in the course of his professional practice; (ii) within the scope of the patient relationship; (iii) in accordance with treatment principles accepted by a responsible segment of the medical profession.

Count 13: in that Dr. Richard Kondan engaged in the administration, dispensing, delivery, gift or prescription of any controlled substance to patient B.W. (DOB 10/19/1954) by any practitioner or professional assistant under the practitioner's direction and supervision unless done (i) in good faith in the course of his professional practice; (ii) within the scope of the patient relationship; (iii) in accordance with treatment principles accepted by a responsible segment of the medical profession.

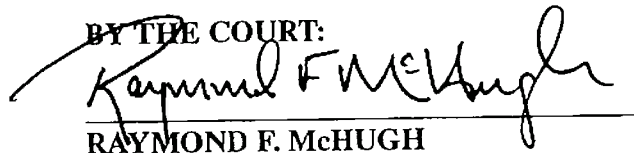
Count 14: in that Dr. Richard Kondan engaged in the administration, dispensing, delivery, gift or prescription of any controlled substance to patient B.W. (DOB 3/14/1974) by any practitioner or professional assistant under the practitioner's direction and supervision unless done (i) in good faith in the course of his professional practice; (ii) within the scope of the patient relationship; (iii) in accordance with treatment principles accepted by a responsible segment of the medical profession.

The Court finds that said Presentment is within the authority of the Investigating Grand Jury and is otherwise in accordance with the provisions of the Grand Jury Act.

In view of these findings, the Court hereby accepts the Presentment and refers this matter to the District Attorney of Bucks County and/or Office of the Attorney General for further action consistent with the Presentment.

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2021 MAR 18 P 2:18
BUCKS COUNTY
CLERK OF COURTS

BY THE COURT:

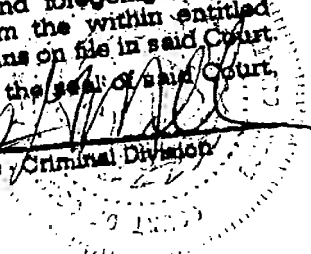


RAYMOND F. McHUGH
SUPERVISING JUDGE

County of Bucks, S.S.

As Deputy Clerk of Courts - Criminal Division in and for the County aforesaid, I do hereby certify that the within and foregoing is a true and attested copy from the within entitled case as the same remains on file in said Court. Witness my hand and the seal of said Court.


Deputy Clerk of Courts - Criminal Division



**IN THE COURT OF COMMON PLEAS OF BUCKS COUNTY
CRIMINAL DIVISION**

IN RE: : CP-09-MD-000714-2019
:
COUNTY INVESTIGATING GRAND JURY :
:
OF: APRIL 25, 2019 : GJ-19; C-2

PRESENTMENT

TO THE HONORABLE RAYMOND F. McHUGH, SUPERVISING JUDGE:

We, the Bucks County Investigating Grand Jury of April 25, 2019, having fully utilized the resources made available to us through the Investigating Grand Jury Act, 42 Pa.C.S. § 4541, et. seq., hereby complete our inquiry into the circumstances surrounding violations of the Controlled Substance, Drug, Device, and Cosmetic Act in and around the medical practice of Dr. Richard Kondan located at 599 West State Street, Doylestown Township, Bucks County, Pennsylvania and having obtained knowledge of such matters from witnesses sworn by the Court and testifying before us, and finding thereon reasonable grounds to believe, and so believing, that violations of the criminal law have occurred, upon respective oaths, not fewer than twelve concurring, do hereby make this Presentment to the Court.


FOREPERSON

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We, the County Investigating Grand Jury of April 25, 2019, hereby complete our inquiry into the circumstances surrounding violations of the Controlled Substance, Drug, Device, and Cosmetic Act in and around the medical practice of Dr. Richard Kondan located at 599 West State Street, Doylestown Township, Bucks County, Pennsylvania.

Having fully utilized the resources made available to us through the Investigating Grand Jury Act and having obtained knowledge of such circumstances sufficient to constitute reasonable grounds to believe that violations of the criminal law have occurred, we hereby recommend the arrest of Dr. Richard Kondan on the following enumerated charges:

**Unlawful Administration, Dispensing,
Delivery, Gift, or Prescription of a
Controlled Substance by Practitioner**

35 Pa.C.S. § 780-113(a)(14),
14 Counts, (F)

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I. SYNOPSIS OF THE INVESTIGATION

During our investigation, witnesses were subpoenaed to appear before the Grand Jury and testify as to their knowledge of facts and circumstances in the instant case. A synopsis of the testimony and evidence supporting our recommendation demonstrates that Dr. Richard Kondan engaged in the practice of medicine. From the patient files reviewed, Dr. Polin showed the majority of patients treated by Dr. Kondan have been seen by him for over four

years. During this period, Dr. Kondan prescribed opioid medication to multiple patients. Numerous Prescription Drug Monitoring Program reports were run by Detective Rimple to determine the type and number of Schedule II controlled substances Dr. Kondan prescribed. The PDMP is a state-run program that collects and distributes data regarding prescriptions and dispensing of federally controlled substances.

Dr. Kondan's MMEs for approximately sixteen percent of his patients exceeded even the highest suggested MME of one hundred and twenty. The MME and dose recommended guidelines started in 2016. The Centers for Disease Control (CDC) states "Clinicians should use caution when prescribing opioids at any dosage, should carefully reassess evidence of individual benefits and risks when considering increasing dosage to greater than or equal to fifty morphine milligram equivalents (MME)/day, and should avoid increasing dosage to greater than or equal to ninety MME/day or carefully justify a decision to titrate dosage to greater than or equal to ninety MME/day." While the Pennsylvania Medical Society (PAMS) places their guidelines at one hundred MME/day. The CDC published their guidelines on March 15, 2016 and PAMS published their guidelines on January 14, 2016. Other hospitals and health system places their MME/day at one hundred and twenty.

A search warrant was executed by Detective Rimple to seize over fifty patient files from Dr. Kondan's office and/or home. These files were reviewed by Dr. David Polin, an expert previously recognized in the Commonwealth of Pennsylvania in physical and rehabilitation medicine and in pain medicine, for review and rendering of an expert opinion on Dr. Kondan's treatment of patients. Regarding twenty-six patients, Dr. Polin opined no reasonable physician would prescribe opioid medication in this manner. Ten of these patients never received another Schedule II prescription from Dr. Kondan, or another doctor, again. Two patients passed away after their last Schedule II prescription. Finally, three patients

obtained only one prescription for a Schedule II from another doctor after Dr. Kondan. After this single prescription, the three patients were not prescribed another Schedule II.

II. SUMMARY OF THE TESTIMONY

We, the County Investigating Grand Jury of April 25, 2019, were summoned pursuant to the Act of November 22, 1978, Act Number 271, as amended by the Act of July 24, 1979, Act Number 50, 42 Pa.C.S. § 4541-4553. We were duly charged by the Court to investigate allegations of crimes occurring within the geographical jurisdiction of Bucks County. Since May 2, 2019, we have investigated the circumstances surrounding violations of the Controlled Substance, Drug, Device, and Cosmetic Act in and around the medical practice of Dr. Richard Kondan located at 599 West State Street, Doylestown Township, Bucks County, Pennsylvania, and we have found violations of the Crimes Code of the Commonwealth of Pennsylvania related to that event.

Below are summaries of testimony presented before this Investigative Grand Jury.

Testimony of Detective Brian Rimple

Detective Brian Rimple testified before the Bucks County Investigating Grand Jury. On May 23, 2019, Detective Rimple testified he is employed by the Bucks County District Attorney's Office. Detective Rimple was assigned to the Drug Strike Force, a unit which investigates narcotic violations throughout Bucks County. The Drug Strike Force was formed approximately two years prior to Detective Rimple's testimony in response to the opioid epidemic. The Drug Strike Force consisted of seven detectives and focused solely on narcotic investigations. As a member of this unit, Detective Rimple solely investigated diversion matters.

Detective Rimple detailed his lengthy record of service in law enforcement which began in August 1991. Detective Rimple was first employed by the Washington County Sheriff's Department in Hagerstown, Maryland, as a patrol deputy. Detective Rimple served in this role for approximately twenty-three months before transferring to the Anne Arundel County Police Department. Detective Rimple served both as a patrol officer and as a detective with the Criminal Investigation Division, Robbery Unit, during his eight years in Anne Arundel County. Detective Rimple next served thirteen months as a patrol officer with the Colonial Regional Police Department in Bath, Pennsylvania. Thereafter, Detective Rimple became employed by the Lehigh County District Attorney's Office as a county detective assigned to investigate narcotics for twelve months. In April 2003, Detective Rimple joined the Pennsylvania Office of the Attorney General with the authority to investigate crimes throughout the Commonwealth of Pennsylvania. For three years Detective Rimple was assigned to the Environmental Crimes Unit, and, in 2006, transferred to the Bureau of Narcotics Investigations based out of Allentown, Pennsylvania. Detective Rimple remained in the Bureau of Narcotics Investigations for approximately eleven years before joining the Drug Strike Force.

During his tenure with the Bureau of Narcotics Investigations, Detective Rimple specialized in diversion, a particular type of narcotics investigation involving prescription medication. Detective Rimple explained when a prescription medication that is controlled is manufactured, the controlled substance must be tracked from the date of manufacture to the date of death, which is when the end user takes the medication. Diversion refers to any area in the life cycle of the medication where the pill or liquid goes missing. When a pill or liquid goes missing in the Commonwealth of Pennsylvania it must be reported to the Attorney General's Office. Detective Rimple has investigated over three hundred diversion cases. Such investigations can involve doctors, nurses, pharmacies, and/or prescription fraud rings. Approximately sixty of the investigations conducted by Detective Rimple have been of medical doctors.

On February 26, 2018, the Office of the District Attorney for Bucks County was contacted by Dr. Scott Levy, Chief Medical Officer and Vice President of Doylestown Health. Dr. Levy expressed concerns regarding a doctor who had privileges at the hospital. The doctor in question was identified as Dr. Richard Kondan, an internist. At the same time, a local police department checked the well-being of an elderly male. Local law enforcement discovered the elderly male was a patient of Dr. Kondan and was obtaining large amounts of narcotic prescriptions from Dr. Kondan. Around this time, a person of interest, a drug dealer out of New Jersey, who deals with methamphetamine, was also a patient of Dr. Kondan.

Detective Rimple testified the Office of the District Attorney for Bucks County was contacted by the Office of the District Attorney for Montgomery County. After the arrest of a doctor overprescribing, Montgomery County received an anonymous letter in reference to Dr. Kondan. The brother of the letter's author passed away and was a patient of Dr. Kondan. The writer claimed Dr. Kondan caused his brother's death with the amount of prescriptions

Dr. Kondan was issuing to the patient for opioids. Montgomery County authorities referred the investigation to Bucks County as Bucks County had jurisdiction.

Based upon the above, Detective Rimple ran a Schedule II report through the Pennsylvania Prescription Drug Monitoring Program. Detective Rimple explained the Prescription Drug Monitoring Program is a system run by the Department of Health in Pennsylvania for all scheduled II, III, IV, and V prescription drugs. All pharmacies in the Commonwealth of Pennsylvania are required to report all scheduled drug prescriptions filled in patient names to this database. The Office of the Attorney General can then query the database for reports on Schedule II controlled substances such as opioids, amphetamines, and other Schedule II drugs. Detective Rimple explained Schedule II controlled substances are drugs that are medically useful but have a very high tendency for addiction. The reports are utilized to determine what doctors are prescribing these types of drugs, the amount of pills, the frequency with which they are prescribed, what pharmacy fills them, and who is the patient.

In March of 2018, Detective Rimple ran such a report. Detective Rimple queried the database himself as he is still a Task Force Officer with the Office of the Attorney General. Per the report, Dr. Kondan was prescribing Schedule II opioids for one hundred and fifty-eight patients. The Centers for Disease Control issued a Morphine Milligram Equivalent Dosage Recommended Guide because of the opioid crisis. Detective Rimple testified the Centers for Disease Control provided doctors with this guide to follow in an attempt to keep doctors from overprescribing. The Centers for Disease Control recommended a Morphine Milligram Equivalent (hereafter "MME") of less than ninety. The Pennsylvania Medical Association has a higher recommended MME of one hundred. Detective Rimple testified some states suggest an MME as high as one hundred and twenty.

Detective Rimple reviewed Dr. Kondan's PDMP report for the amount of drugs prescribed by Dr. Kondan. Detective Rimple utilized an MME of one hundred and twenty when analyzing Dr. Kondan's prescribing practices, higher than both the recommendation of the Pennsylvania Medical Association and Centers for Disease Control. Detective Rimple found sixteen percent of Dr. Kondan's patients, or twenty-five individuals, were prescribed MMEs higher than one hundred and twenty. One patient was prescribed a MME twenty-four times the recommended guidelines, a MME of one thousand and eighty. The highest patient was prescribed a MME of twenty-four hundred and sixty.

Detective Rimple found Dr. Kondan prescribed Schedule II drugs to one hundred and ninety-five patients. One hundred and forty-nine of those patients were prescribed opioids. Dr. Kondan issued nine hundred and twenty-three Schedule II prescriptions during that time-period.

Detective Rimple identified twenty-five patients with high MME's as a result of his initial Schedule II report for Dr. Kondan. Over the course of the year Detective Rimple, or the Attorney General's Office, ran Dr. Kondan's Schedule II report two more times. A total of approximately twenty-three or twenty-four patients appeared on the three reports over the course of a year with MMEs levels over one hundred and twenty.

Testimony of Detective Brian Rimple

Detective Brian Rimple again testified before the Bucks County Investigating Grand Jury on February 25, 2021. On September 16, 2019, Detective Rimple applied for a search warrant for patient files at Dr. Kondan's office and his residence. The search warrants were issued and executed on September 17, 2019. Detective Rimple recovered patient files from Dr. Kondan, secured them in evidence, and scanned them to become electronic files. The files were sent to Dr. David Polin, an expert previously recognized in the Commonwealth of Pennsylvania in physical and rehabilitation medicine and in pain medicine, for review and rendering of an expert opinion on Dr. Kondan's treatment of patients. Dr. Polin authored an expert report after his review of the patient files which was received by the investigating grand jurors.

Although Detective Rimple seized over fifty files pursuant to the search warrant, Detective Rimple submitted twenty-six patient files to Dr. Polin. Detective Rimple explained he selected the files submitted to Dr. Polin after reviewing the Schedule II report of Dr. Kondan and the MMEs of the patients. Detective Rimple advised the twenty-six files submitted were the worst ones to look at, and/or individuals whose MMEs were most significantly above the recommended MME.

Dr. Polin issued his expert report on January 25, 2021. Detective Rimple testified Dr. Polin is still an active physician. Detective Rimple explained the report was delayed due to the COVID-19 pandemic. Dr. Polin, in his expert opinion, determined Dr. Kondan's prescribing of opioid medication did not reach the standard of medical care. For all twenty-six patients submitted, Dr. Polin opined no reasonable physician would prescribe opioid medication in the manner prescribed by Dr. Kondan. The twenty-six patients will be referred to by their initials to protect their privacy: T.B., J.C., S.C., B.C., W.C., R.D., R.D., A.D., R.F., D.F., D.G.,

N. H.G., M.H., J.J., G.J., E.K., E.L., M.P., R.R., B.S., D.S., J.S., R.S., G.T., B.W., and B.W.

During the investigation, R.D. arrived at the emergency room of Doylestown Hospital for heart-related issues. Because Dr. Kondan had physicians' rights at the hospital, his records were electronically available to the hospital. When the hospital attempted to locate what R.D. was prescribed in his records and why, only a very limited record could be located for R.D. The records located provided no explanation as to why R.D. was prescribed Oxycodone. This caused concern among the doctors at Doylestown Hospital.

Detective Rimple testified Dr. Kondan was not prescribing in accordance with treatment principles accepted by a responsible segment of the medical profession based on Dr. Polin's report. After receiving said report, Detective Rimple ran an updated Schedule II report through the Pennsylvania Prescription Monitoring Drug Program for each of the twenty-six patients who Dr. Polin opined upon. The report ran from January 1, 2019 until receipt of Dr. Polin's report in January of 2021. Detective Rimple discovered ten of Dr. Kondan's patients were not given another prescription for a Schedule II opioid from Dr. Kondan or any other doctor. The dates of the last prescription range from March 3, 2019, through December 10, 2019. In Detective Rimple's opinion this means either the patients – B.C., D.F., N.G., G.J., E.L., M.P., R.R., D.S., B.W., and B.W. – went from a high or very high MME to zero or had to find illegal means to receive their opioids.

Detective Rimple determined two patients received their last prescriptions in March of 2019 and April of 2019 respectively. These individuals – J.J. and T.B. – were determined to have passed away after their final prescription.

Detective Rimple discovered three patients – W.C., R.D., and A.D. – received one prescription for a Schedule II opioid from one other doctor, but not Dr. Kondan. After the

receipt of a single prescription, the three patients never received another opioid prescription. This means the three patients went from a high or very high MME to zero.

Detective Rimple determined nine patients started seeing new doctors and still received prescriptions for Schedule II opioids; however, all of their MMEs were dropped from the high levels they were under Dr. Kondan to new lower levels. These patients were tapered off under new doctors. Detective Rimple explained this is significant because while the patients were in pain, they were addicted to the medicine and continued to get higher and higher MMEs. Once these patients left Dr. Kondan, a new doctor looked at their records, talked to them, realized the patients did not need as many opioids, and reduced the number of pills prescribed to more reasonable levels.

Despite moving his office from Doylestown Hospital grounds, Dr. Kondan continues to practice medicine. Dr. Kondan is still practicing within Doylestown Township. Dr. Kondan maintains two drug enforcement numbers. One of Dr. Kondan's DEA numbers was renewed three days prior to Detective Rimple's testimony.

Detective Rimple conducted an interview two weeks prior to his testimony on this date in regard to the overdose of G.T., a patient of Dr. Kondan. G.T. has been seeing Dr. Kondan continuously since the investigation began. G.T. was removed from opioids eighteen months ago, which coincided with the execution of the search warrant. Dr. Kondan explained to the patient a friend of his advised that a primary care physician should not be writing opioid prescriptions which caused Dr. Kondan to stop. G.T. continued to see Dr. Kondan for antidepressants, cholesterol and blood pressure medicine. Detective Rimple explained during her last visit G.T. was prescribed Ambien for the first time. G.T. was supposed to ingest ten milligrams of the Schedule IV controlled substance; however, she ingested over forty-five milligrams and her son found her on the floor the next morning.

Detective Rimple investigated the financial gains of Dr. Kondan and determined while he is making money, Dr. Kondan does not maintain significant bank savings. Detective Rimple advised as fast as the money comes in, out it goes. Detective Rimple identified Dr. Kondan's wife as his office manager. Detective Rimple testified oxycodone thirty milligram pills sell on the street for one dollar per milligram or thirty dollars per pill.

During a recess in the proceedings Detective Rimple ran a Schedule II report for Dr. Kondan and found Dr. Kondan is still prescribing Schedule II opioids. However, Dr. Kondan was prescribing morphine which MMEs are based on. The vast majority of the daily morphine Dr. Kondan was prescribing were MMEs of twenty-five or under.

Dr. Polin's report regarding the patients of Dr. Kondan was submitted into the record. A summary of the pertinent patient records follows:

T.B. (D.O.B. 08-01-1960)

T.B. was seen by Dr. Kondan for over four years with the last prescription being written on March 25, 2019. T.B.'s records were reviewed by Dr. Polin. Dr. Polin indicated Dr. Kondan treated T.B. for over 4 years, prescribing oxycodone (a Schedule II opioid medication) on a regular basis. The medication was refilled multiple times despite refills being prohibited for a Schedule II medication. Oxycodone was prescribed in a high dosage. Along with it was prescribed Ativan (lorazepam) which puts the patient at an even higher risk of morbidity and mortality. There is a repeated lack of attention to relevant history or physical exam for these medications. There is at least one red flag (phone call regarding drinking vodka) without documentation of any follow-up or adequate drug and alcohol history. There is no indication of why his opioid dosage was suddenly increased from oxycodone 5 mg to oxycodone 30 mg. There are no urine drug screens. There is no documentation of an opioid agreement or informed consent.

B.C. (D.O.B. 12-16-1947)

B.C. was seen by Dr. Kondan for over five years with the last prescription being written on August 2, 2019. B.C.'s records were reviewed by Dr. Polin. Dr. Polin indicated Dr. Kondan was prescribing oxycodone (a Schedule II opioid medication) on a regular basis. The medication was refilled multiple times despite refills being prohibited for a Schedule II medication. He prescribed the medication regularly for over 16 months at one point without an office visit. Oxycodone was prescribed in a high dosage. Along with it was prescribed Klonopin (clonazepam) AND Valium (diazepam) which puts the patient at an even higher risk of morbidity and mortality. At one point there was a reference to her falling "again" without a well-documented assessment. There was little or no action taken to mitigate the risk (e.g. the prescription of naloxone). There is a repeated lack of attention to relevant history or physical exam for these medications. Her dosage of opioids was increased during the time he prescribed for her. There appear to be no successful urine drug screens. There is no documentation of an opioid agreement or informed consent.

W.C. (D.O.B. 09-14-1947)

W.C. was seen by Dr. Kondan for over five years with the last prescription being written on August 2, 2019. W.C.'s records were reviewed by Dr. Polin. Dr. Polin indicated Dr. Kondan was prescribing oxycodone (a Schedule II opioid medication) on a regular basis. The medication was refilled multiple times despite refills being prohibited for a Schedule II medication. He prescribed the medication regularly for over 17 months at one point without an office visit. Oxycodone was prescribed in a high dosage. Along with it was prescribed Klonopin (clonazepam) which puts the patient at an even higher risk of morbidity and mortality. There was little or no action taken to mitigate the risk (e.g. the prescription of naloxone). There is a

repeated lack of attention to relevant history or physical exam for these medications until 12/22/2017 (over 3 years into the records). His dosage of opioids was increased during the time Dr. Kondan prescribed for him. There appear to be no successful urine drug screens. There is no documentation of an opioid agreement or informed consent.

R.D. (D.O.B. 03-02-1970)

R.D. was seen by Dr. Kondan for over four years with the last prescription being written on January 29, 2019. R.D.'s records were reviewed by Dr. Polin. Dr. Polin indicated Dr. Kondan was prescribing oxycodone (a Schedule II opioid medication) on a regular basis. The medication was refilled multiple times despite refills being prohibited for a Schedule II medication. He prescribed the medication regularly for over 9 months without an office visit. Oxycodone was prescribed in a high dosage. Along with it was prescribed lorazepam which puts the patient at an even higher risk of morbidity and mortality. There was little or no action taken to mitigate the risk (e.g. the prescription of naloxone). There is a repeated lack of attention to relevant history or physical exam for these medications. Dr. Polin did not see a drug history documented prior to his last visit. There are no urine drug screens. There is no documentation of an opioid agreement or informed consent. On 2/8/2019 the patient gave Dr. Kondan a history of an approximate 2-month history of using crystal meth. Dr. Kondan discontinued prescribing oxycodone at that point. There was no discussion of withdrawal symptoms, treatment of withdrawal symptoms or referral for drug counseling or detox.

A.D. (D.O.B. 08-02-1964)

A.D. was seen by Dr. Kondan for over five years with the last prescription being written on August 22, 2019. A.D.'s records were reviewed by Dr. Polin. Dr. Polin indicated Dr. Kondan was prescribing oxycodone (a Schedule II opioid medication) on a regular basis.

The medication was refilled multiple times despite refills being prohibited for a Schedule II medication. He did see the patient in the office regularly. Oxycodone was prescribed in an extremely high dosage. He was prescribed a large number of tablets. As an example, in June 2017 he received 700 tablets of oxycodone 30mg and 420 tablets of Oxycontin 80 mg. In 2017 his average daily dosage of oxycodone based on the prescriptions he received was over 1,600 mg. That represents an MME (Morphine milligram equivalent) of 2,400. Along with it at some time was prescribed Klonopin (clonazepam) which puts the patient at an even higher risk of morbidity and mortality. There was little or no action taken to mitigate the risk (e.g. the prescription of naloxone). There is a repeated lack of adequate attention to relevant history or physical exam for these medications. He was hospitalized for an unintentional overdose, yet Dr. Kondan failed to taper his dosage considerably when he returned from the hospital. There is a lack of screening for a substance abuse disorder despite the extremely high dose of medication. There is a lack of documented concern or counseling after his daughter reportedly stole his medication. His dosage of opioids was increased during the time he prescribed for him. There are no urine drug screens. There is no documentation of an opioid agreement or informed consent.

D.F. (D.O.B. 01-20-1951)

D.F. was seen by Dr. Kondan for over four years with the last prescription being written on May 7, 2019. D.F.'s records were reviewed by Dr. Polin. Dr. Polin indicated Dr. Kondan was prescribing high dose opioid medications (Schedule II medications) on a regular basis. This patient was treated for cancer pain and that is reflected in his office notes. The medication was refilled multiple times despite refills being prohibited for a Schedule II medication. He did see her in person on a regular basis but he prescribed the medication regularly for up to 4 months without an office visit. Along with opioids was prescribed diazepam which puts the

patient at an even higher risk of morbidity and mortality. There was little or no action taken to mitigate the risk (e.g. the prescription of naloxone). There is no indication that Dr. Kondan accessed the PDMP which has been required by the state of Pennsylvania since January 1, 2017. Had he checked it he would have seen that the patient was receiving controlled substances from other physicians, including alprazolam repeatedly. Alprazolam is a benzodiazepine, as is diazepam, and this created a potentially dangerous situation.

N.H.G. (D.O.B. 12-09-1992)

N.H.G. was seen by Dr. Kondan for over five years with the last prescription being written on May 7, 2019. N.H.G.'s records were reviewed by Dr. Polin. Dr. Polin indicated Dr. Kondan was prescribing oxycodone (a Schedule II medication) on a regular basis. The medication was refilled multiple times despite refills being prohibited for a Schedule II medication. He prescribed the medication regularly for a full year without an office visit. Oxycodone was prescribed in a high dosage (MME over 100). Along with it was prescribed Xanax (alprazolam) which puts the patient at an even higher risk of morbidity and mortality. There is a repeated lack of attention to relevant history or physical exam for these medications. Dr. Polin did not see an adequate drug and alcohol history. The patient's young age puts him at higher risk for substance abuse. There was no adequate risk assessment for addiction. There are no urine drug screen results documented. There is no documentation of an opioid agreement or informed consent until 3/12/2019.

J.J. (D.O.B. 01-16-1992)

J.J. was seen by Dr. Kondan for over three years with the last prescription being written on February 21, 2019. J.J.'s records were reviewed by Dr. Polin. Dr. Polin indicated Dr. Kondan was prescribing oxycodone (a Schedule II medication) on a regular basis. The

medication was refilled multiple times despite refills being prohibited for a Schedule II opioid medication. He prescribed the medication regularly for up to 16 months at a time without an office visit. Oxycodone was prescribed in a very high dosage. Along with it was prescribed Ativan (lorazepam) which puts the patient at an even higher risk of morbidity and mortality. There was little or no action taken to mitigate the risk (e.g. the prescription of naloxone). There is a repeated lack of attention to relevant history or physical exam for these medications. He also prescribed Adderall for her. In addition, the patient was actively abusing alcohol during her treatment. Prescribing these medications (including lorazepam) for this patient was therefore contraindicated. There are no urine drug screens. There is no documentation of an opioid agreement or informed consent.

G.J. (D.O.B. 07-06-1962)

G.J. was seen by Dr. Kondan for over seventeen years with the last prescription being written on July 30, 2019. G.J.'s records were reviewed by Dr. Polin. Dr. Polin indicated Dr. Kondan was prescribing oxycodone (a Schedule II opioid medication) on a regular basis for over 16 years. The medication was refilled multiple times despite refills being prohibited for a Schedule II medication. He prescribed the medication regularly for up to 1 year without an office visit. Oxycodone was prescribed in a high dosage. This puts the patient at risk for morbidity and mortality. His history of asthma and obstructive sleep apnea puts him at higher risk. His alcohol usage puts him at still further risk. There is a repeated lack of attention to relevant history or physical exam for these medications. There are no urine drug screens. There is no documentation of an opioid agreement or informed consent.

M.P. (D.O.B. 08-10-1961)

M.P. was seen by Dr. Kondan for over five years with the last prescription being written on March 8, 2019. M.P.'s records were reviewed by Dr. Polin. Dr. Polin indicated Dr. Kondan was prescribing oxycodone (a Schedule II opioid medication) and hydrocodone (which became a Schedule II opioid medication in 2014) on a regular basis. The medication was refilled multiple times despite refills being prohibited for a Schedule II medications. He prescribed the medication regularly for up to a period of over 9 months without an office visit. Opioids were prescribed in a high overall dosage. Along with it was prescribed Xanax (alprazolam) which put the patient at an even higher risk of morbidity and mortality. Her pulmonary condition (COPD) added to the risk. There was little or no action taken to mitigate the risk (e.g. the prescription of naloxone). There is a repeated lack of attention to relevant history or physical exam for these medications. There is no indication that Dr. Kondan accessed the PDMP which has been required by the state of Pennsylvania since January 1, 2017. The PDMP indicates she received some additional prescriptions of hydrocodone and alprazolam from other providers. There are no urine drug screens. There is no documentation of an opioid agreement or informed consent.

R.R. (D.O.B. 08-16-1977)

R.R. was seen by Dr. Kondan for over five years with the last prescription being written on August 8, 2019. R.R.'s records were reviewed by Dr. Polin. Dr. Polin indicated Dr. Kondan was prescribing oxycodone (a Schedule II opioid medication) on a regular basis. The medication was refilled multiple times despite refills being prohibited for a Schedule II medication. He prescribed the medication regularly for up to 9 months at a time without an office visit. Oxycodone was prescribed in a very high dosage. Along with it was prescribed Xanax (alprazolam) which put the patient at an even higher risk of morbidity and mortality. There was little or no action taken to mitigate the risk (e.g. the prescription of naloxone). There

is a repeated lack of attention to relevant history or physical exam for these medications. His dosage of opioids was increased during the time they were prescribed. There are no urine drug screens. There is no documentation of an opioid agreement being signed.

D.S. (D.O.B. 09-27-1959)

D.S. was seen by Dr. Kondan for over thirteen years with the last prescription being written on August 30, 2019. D.S.'s records were reviewed by Dr. Polin. Dr. Polin indicated Dr. Kondan was prescribing Adderall (a Schedule II opioid medication) on a regular basis starting in 2009. He started prescribing Percocet (containing oxycodone, a Schedule II medication) for endometrial cancer in 2015. These medications were refilled multiple times despite refills being prohibited for a Schedule II medication. He prescribed the medication regularly for up to over 4 months at a time without an office visit. Oxycodone was prescribed in a high dosage. Along with it was prescribed Xanax (alprazolam) which put the patient at an even higher risk of morbidity and mortality. There was little or no action taken to mitigate the risk (e.g. the prescription of naloxone). Alcohol usage also put the patient at an even higher risk of morbidity and mortality.

B.W. (D.O.B. 10-19-1954)

B.W. was seen by Dr. Kondan from February 8, 2018, through October 10, 2019, with the last prescription being written on October 10, 2019. B.W.'s records were reviewed by Dr. Polin. Dr. Polin indicated the records indicate only 3 encounters from February 2019. There is no documentation of Dr. Kondan prescribing opioids. The records suggest that the patient was receiving homecare as of 2/4/2019. PDMP records reflect that he prescribed this patient from 2/8/2018 to 10/10/2019, prescribing oxycodone (a Schedule II opioid medication) on a regular basis. Oxycodone was prescribed in a very high dosage based on a MME of 405. Along with

it was prescribed lorazepam which puts the patient at an even higher risk of morbidity and mortality.

B.W. (D.O.B. 03-14-1974)

B.W. was seen by Dr. Kondan for over seven years with the last prescription being written on December 10, 2019. B.W.'s records were reviewed by Dr. Polin. Dr. Polin indicated Dr. Kondan was prescribing oxycodone (a Schedule II opioid medication) on a regular basis. The medication was refilled multiple times despite refills being prohibited for a Schedule II medication. He prescribed the medication regularly for over 9 months without an office visit. Oxycodone was prescribed in a very high dosage. Along with it was prescribed lorazepam which put the patient at an even higher risk of morbidity and mortality. There was little or no action taken to mitigate the risk (e.g. the prescription of naloxone). There is a repeated lack of attention to relevant history or physical exam for these medications. An orthopedic note from 2013 indicates the patient drinks alcohol. There is little to no attention to any drug and alcohol history in Dr. Kondan's notes. His dosage of opioids was increased during the time they were prescribed. There are no urine drug screen results documented. There is no documentation of an opioid agreement or informed consent.

Testimony of Detective Brian Rimple

Detective Brian Rimple again testified before the Bucks County Investigating Grand Jury on March 18, 2021. Detective Rimple confirmed Dr. Kondan's medical practice was located at 599 West State Street, Doylestown Township, Bucks County, Pennsylvania. Dr. Kondan performed the services of a medical doctor at this location. Dr. Kondan also had medical privileges at Doylestown Hospital.

Detective Rimple explained the MME and dose recommended guidelines started in 2016. The Centers for Disease Control (CDC) states "Clinicians should use caution when prescribing opioids at any dosage, should carefully reassess evidence of individual benefits and risks when considering increasing dosage to greater than or equal to fifty morphine milligram equivalents (MME)/day, and should avoid increasing dosage to greater than or equal to ninety MME/day or carefully justify a decision to titrate dosage to greater than or equal to ninety MME/day." While the Pennsylvania Medical Society (PAMS) places their guidelines at one hundred MME/day. The CDC published their guidelines on March 15, 2016 and PAMS published their guidelines on January 14, 2016. Other hospitals and health systems places their MME/day at one hundred and twenty.

III. CONCLUSION

The foregoing is a summary of the pertinent evidence presented to the County Investigating Grand Jury. Although this Presentment does not recite all of the testimony placed before the Grand Jury, this Presentment does contain sufficient evidence upon which to conclude that Dr. Richard Kondan has committed the crimes of the unlawful administration, dispensing, delivery, gift, or prescription of a controlled substance by a practitioner.

Accordingly, the Grand Jury hereby recommends that the District Attorney of Bucks County and/or the Office of the Attorney General arrest and prosecute Dr. Richard Kondan for the aforementioned crimes.