



Pro Bono Publico

Nebraska State Patrol

Current Trends in Pharmaceutical Diversion

The following information is being provided for educational purposes, and is not intended to be legal advice and should not be construed as such. Due to the abbreviated nature of this presentation, we cannot cover every factor relating to these cases, and this is intended to be a general overview and introduction to the topic. Please contact your agency/company attorney, private counsel, or local County Attorney for legal advice.

HISTORY OF REPORTING/ALERTING PROGRAM

- 2013/2014- Assignment of one Investigator to DEA- Tactical Diversion Squad (TDS)
- 2017- Assignment of one additional investigator for state level pharmaceutical diversion.
- 2019 - Nebraska State Patrol Reporting and Alerting Program introduced to healthcare providers
- 2022- Assignment of one investigator from TDS to DEA- Task Force Group 1 to address rise in drug-related overdose deaths.

INTENT OF PROGRAM

DETECT - DETER - DISRUPT

- Develop a systematic reporting/alerting process to allow pharmacies, providers, or facilities to report pharmaceutical concerns/violations in a timely manner, as well as a response for overdose deaths
- Decrease response times for all reported events and alerts
- Increase the Nebraska State Patrol's ability to respond to pharmaceutical/overdose related cases
- Disrupt the potential abuse of pharmaceuticals/illicit drugs due to the opioid crisis

WHAT IS DRUG DIVERSION

Drug diversion can be defined as any criminal act or deviation that removes a prescription drug from its intended path from the manufacturer to the intended patient.

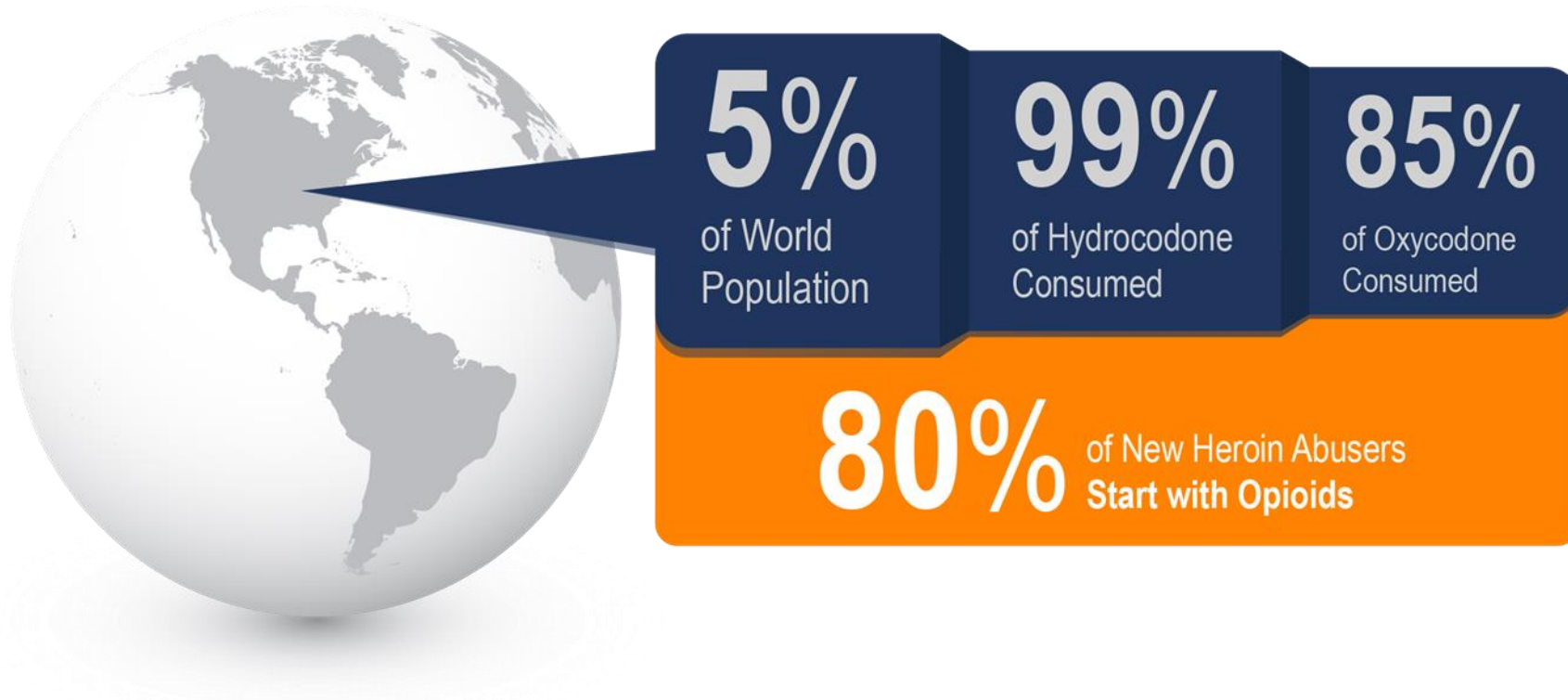
Prescription drug diversion involves the unlawful channeling of regulated pharmaceuticals from legal sources to the illicit marketplace, and can occur along all points in the drug delivery process, from the original manufacturing site to the wholesale distributor, the physician's office, the retail pharmacy, or the patient.

WHY PRESCRIPTION DRUGS

- Less likelihood of detection and greater chance of accessibility
- There are nearly 15,000 registrants in Nebraska who can issue prescriptions for controlled substances
- Lack of knowledge and awareness of prescription drug problem by public and law enforcement
- Lack of consistent usage of Prescription Drug Monitoring Program

FASTEST GROWING DRUG THREAT

Targeting the Supply and Demand Problem



REASONS TO ADDRESS DRUG DIVERSION

High profit margin in street resale

- Oxycodone - \$1/mg (\$15-30/pill)
- Opana - \$1-3 mg (\$10-\$30/pill)
- Dilaudid - \$1-3 mg (8mg pill = \$8-\$24/pill)
- Fentanyl - \$1 micro g (\$50-\$100 typical administered dosage)
- Hydrocodone - \$.75 mg (\$7.50/pill)
- Codeine syrup - \$180-\$220 ounce

METHODS OF DIVERSION

- Forgery
 - Altered prescription
- Medical Negligence
 - Improper prescribing
- Medical Identity Theft
 - Sharing/Stealing someone else's information
 - Create fake information

METHODS OF DIVERSION

- Burglary
 - Theft from business and residences
- Theft
 - Internal – Doctor, Pharmacist, Nurse, Staff, etc.
 - External – Medical supply delivery company, mail delivery, employment
- Fraud
 - Phony/fraudulent call-ins
 - Phony/fraudulent prescription pad/paper
 - Doctor shopper
 - Insurance

SHIFT OF CRIMINAL OPERATIONS

- CRIMINAL ORGANIZATIONS
 - Promethazine shift
 - Large retail discontinued sales
 - Movement to independent owners
 - Pharmacy Burglaries
 - Targeted rural areas
 - National operated organizations
- PEOPLE WITH ADDICTIONS
 - Doctor shopper
 - Employee at a medical clinic/doctor's office
 - Script altering

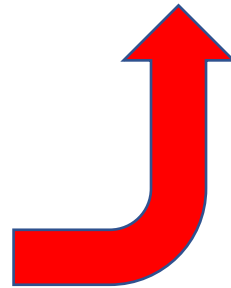
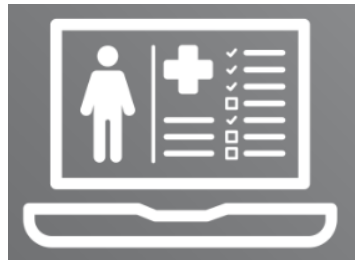
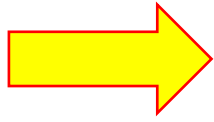
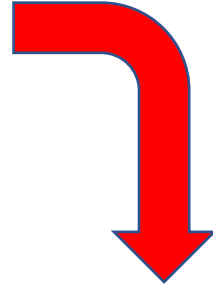
Prescription To Illicit



- 1 oz Brandy
 - 1 oz Peppermint Schnapps
 - 1 oz Sloe gin
 - 1 oz Strawberry juice
 - 1 oz Children's cherry cough syrup
- For a Flaming Moe
- 4 oz Tequila
 - 4 oz Peppermint Schnapps
 - 4 oz Creme de Menthe
 - 2 oz Grape Soda
- Mix ingredients into a shaker. Strain into a glass and pray.

E-SCRIPT DIVERSION

- Stealing of doctors personal information to create additional EMR/EHR accounts.
- Doctors stolen information is vetted by EMR/EHR provider by third party company.
- Affected doctor has no way of knowing additional EMR/EHR providers were created.
- Surescripts (Clearing House) has no way to know EMR is fraudulent.



NEBRASKA REPORTING STATISTICS

Promethazine with Codeine	338	82.8%
Alprazolam	17	4.2%
Oxycodone	11	2.7%
Phenergan Syrup	5	1.2%
Hydrocodone	5	1.2%
Acetaminophen with Codeine	4	1.0%
Adderall	4	1.0%
Dilaudid	2	0.5%
Tylenol w/ codeine	2	0.5%
Gabapentin	1	0.2%

12/2020 to Current Total 408

THE PROFIT MARGIN AND THE RISK

PENALTIES		
Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount	<p>First Offense: Not more than 20 yrs. If death or serious injury, not less than 20 yrs, or more than life. Fine \$1 million if an individual, \$5 million if not an individual.</p> <p>Second Offense: Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.</p>
Flunitrazepam (Schedule IV)	1 gram	
Other Schedule III drugs	Any amount	<p>First Offense: Not more than 10 years. If death or serious injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.</p> <p>Second Offense: Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.</p>
All other Schedule IV drugs	Any amount	<p>First Offense: Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.</p> <p>Second Offense: Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.</p>
Flunitrazepam (Schedule IV)	Other than 1 gram or more	
All Schedule V drugs	Any amount	<p>First Offense: Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.</p> <p>Second Offense: Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.</p>

PROMETH W/ CODEINE ECONOMICS 101

473 ml @ Pharmacy = \$20

Three Day Trip = 30 Attempts

Batting Average .333 = 10

Pharmacy Cost = \$200

Chicago Street Cost= \$3500

Weekend Gross= \$35,000

Weekend Expenses= \$3,000

Weekend Net= \$32,000

EXPENSES

Runners = \$100/bottle = \$1000

Rental car = \$700

Burner phone = \$100

Hotels = \$300

Food and misc. = \$700

Product = \$200

Profit Margin Calculator

Cost: \$

Revenue: \$

Clear

Calculate

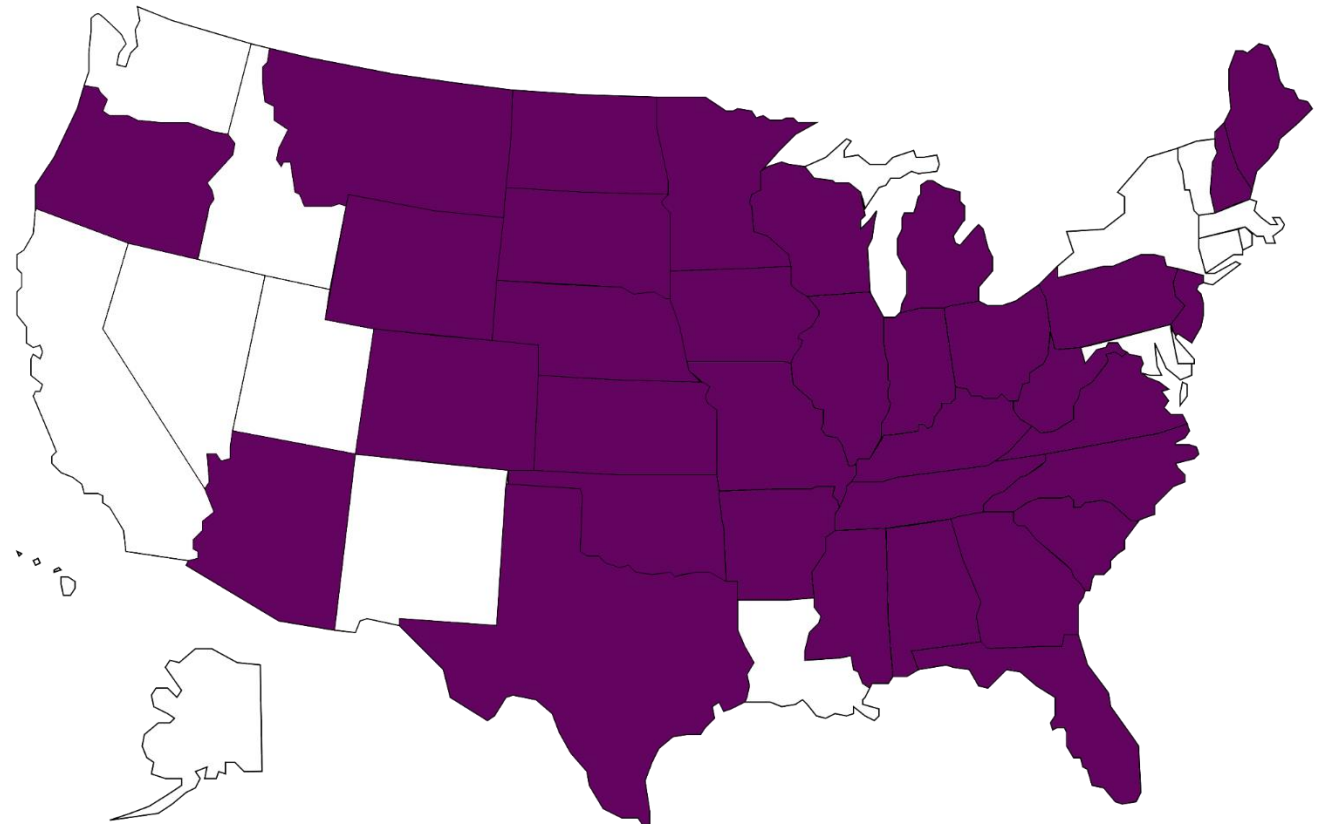
Answer:

Net Profit Margin:	91.43%
Net Profit:	\$32,000.00
Profit Percentage:	1,066.67%

THE FAKE CALL IN

Contact ID	Target Name	Date	Time	Received Target
▶ Contact State: Michigan			13.5 % 496	01/02/2020 to 12/16/2020
▶ Contact State: Illinois			11.3 % 413	01/04/2020 to 05/22/2021
▶ Contact State: Pennsylvania			9.7 % 355	01/04/2020 to 05/13/2021
▶ Contact State: North Dakota			9.7 % 354	02/12/2020 to 05/17/2021
▶ Contact State: Alabama			9.5 % 346	03/30/2020 to 02/26/2021
▶ Contact State: Missouri			7.2 % 264	01/07/2020 to 02/26/2021
▶ Contact State: Kansas			6.4 % 233	03/30/2020 to 02/26/2021
▶ Contact State: Georgia			5.2 % 192	05/06/2020 to 03/04/2021
▶ Contact State: Wisconsin			4.6 % 167	03/23/2020 to 10/27/2020
▶ Contact State: South Dakota			3.8 % 140	02/24/2020 to 05/14/2021
▶ Contact State: Iowa			3.8 % 138	11/23/2020 to 03/23/2021
▶ Contact State: Minnesota			3.7 % 136	02/10/2020 to 02/26/2021
▶ Contact State: Nebraska			1.7 % 62	03/26/2020 to 02/10/2021
▶ Contact State: Virginia			1.7 % 61	01/26/2021 to 01/30/2021
▶ Contact State: West Virginia			1.5 % 56	02/05/2020 to 05/13/2021
▶ Contact State: Arizona			1.3 % 46	10/20/2020 to 03/03/2021
▶ Contact State: Florida			1.0 % 36	08/13/2020 to 02/02/2021
▶ Contact State: Arkansas			0.6 % 22	01/07/2020 to 07/03/2020
▶ Contact State: Ohio			0.5 % 20	02/05/2020 to 04/13/2021
▶ Contact State: (unknown)			0.5 % 19	02/24/2020 to 05/04/2021
▶ Contact State: Colorado			0.5 % 19	03/11/2020 to 03/13/2020
▶ Contact State: Indiana			0.5 % 19	12/18/2020 to 05/12/2021
▶ Contact State: Utah			0.4 % 16	06/10/2020 to 06/10/2020
▶ Contact State: Kentucky			0.3 % 10	02/05/2020 to 02/06/2020
▶ Contact State: Mississippi			0.2 % 7	06/11/2020 to 11/10/2020
▶ Contact State: South Carolina			0.2 % 7	06/08/2020 to 06/10/2020
▶ Contact State: Tennessee			0.2 % 6	08/26/2020 to 11/10/2020
▶ Contact State: AI			0.1 % 3	11/06/2020 to 02/15/2021
▶ Contact State: New York			0.1 % 3	01/04/2020 to 05/05/2021

2,660 phone calls to
1,470 pharmacies in 34 states



PHARMACY INDICATORS

- No identification or out of state
- No insurance (cash pay)
- New patient
- Decoy scripts that seem unnecessary
- Has a preference to the kind of medication dispensed
- Symptoms do not match observations
- Does not live near clinic/pharmacy
- Came near closing time/weekends when clinic can't be reached

WAYS TO REPORT

- 24 hour dispatch number or direct call to investigations division
- Fax
- Email
- Online reporting tool

OUR GOAL TO YOU: 3 to 5 minute response call back



Follow @NEStatePatrolTweets
by NEStatePatrol

INVESTIGATIVE SERVICES DRUG DIVERSION REPORTING FORM

Please fill out the following form to report suspicious activity.

Start

Complete

Reporting Party Full Name *

Name of Pharmacy, Doctor's Office, or Agency *

Call Back Phone Number *

Email Address *

Date/Time of Most Recent Incident *

Location of Incident *

Law Enforcement Follow-up

- Possibly, obtain a photocopy of suspect's identification
- Callers and caller ID
- Vehicles description (plates/style/color/make/model)
- Description of other possible suspects
- Any and all documents/notes related to incident
- Original or photocopy of the fraudulent script
 - If original, seal immediately to preserve evidence for latent prints
- Surveillance (interior and exterior)
- When in doubt...verify
- REPORT IMMEDIATELY

Under what circumstances may a HIPAA covered entity disclose PHI to law enforcement?

A HIPAA covered entity may disclose PHI to law enforcement with the individual's signed HIPAA authorization.

A HIPAA covered entity also may disclose PHI to law enforcement without the individual's signed HIPAA authorization in certain incidents, including:

- To report PHI to a law enforcement official reasonably able to prevent or lessen a serious and imminent threat to the health or safety of an individual or the public.
- To report PHI that the covered entity in good faith believes to be evidence of a crime that occurred on the premises of the covered entity.
- To alert law enforcement to the death of the individual, when there is a suspicion that death resulted from criminal conduct.
- When responding to an off-site medical emergency, as necessary to alert law enforcement to criminal activity.
- To report PHI to law enforcement when required by law to do so (such as reporting gunshots or stab wounds).

- To comply with a court order or court-ordered warrant, a subpoena or summons issued by a judicial officer, or an administrative request from a law enforcement official (the administrative request must include a written statement that the information requested is relevant and material, specific and limited in scope, and de-identified information cannot be used).
- To respond to a request for PHI for purposes of identifying or locating a suspect, fugitive, material witness or missing person, but the information must be limited to basic demographic and health information about the person.
- To respond to a request for PHI about an adult victim of a crime when the victim agrees (or in limited circumstances if the individual is unable to agree). Child abuse or neglect may be reported, without a parent's agreement, to any law enforcement official authorized by law to receive such reports.

For More Information

This is a summary of the relevant provisions and does not include all requirements that are found in the HIPAA Privacy Rule. For complete information, please visit the U.S. Department of Health and Human Service's Office for Civil Rights HIPAA web site at <http://www.hhs.gov/ocr/privacy>.

SEE BACK OF DOCUMENT FOR LISTING OF SECURITY FEATURES

Miracle Hills Primary Care Center
11819 Miracle Dr # 105
OMAHA NE 68154
Phone: 402-905-2075

DATE: Dec 22, 2017

Name: [Redacted]
4529 N 37th Street
Omaha, NE 68111

MRN: 0000000442
DOB: [Redacted]

#1205
12/28/17

oxyCodone-10 mg immediate release tablet Order
ID: 46135202
Sig: Take 1 tablet by mouth 4(four) times a day as needed (PRN)
Qty: **120 (one hundred twenty)** Refill:**0 (Zero)**
Start: Dec 22, 2017
Diagnosis: Chronic bilateral low back pain, with sciatica presence unspecified

Route: Oral tablet**

Signature:

Authorizing Provider: [Redacted] DEA: [Redacted] NPI: [Redacted]

SEE BACK OF DOCUMENT FOR LISTING OF SECURITY FEATURES

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to be refilled after 5/3/21

DC METRO PSYCHIATRY, PLLC

Nesly Hneich, MD, MPH
Board Certified Psychiatrist
LIC #: 0101241004 • DEA #: [REDACTED] • NPI #: [REDACTED]
8300 Boone Boulevard, Suite 500
Vienna, VA 22182
Tel: (703) 848-9206 • Fax: (703) 848-9207

VOID per Hneich 5/19/21 BE

Name: Michael [REDACTED] DOB: 04/07/87
Address: 11759 S [REDACTED] Ave Date: 5/3/21
5/19/21 402-571-8639

R
Adderall 30mg
sig: i tab po BID
60

Label

Refill 0 times PRN NR

Brand Medically Necessary

Voluntary Formulary Permitted

Signature of Prescriber: [Signature] MD, MPH

Order # 301825

SCRIPT# 22003

VERIFICATION BOX: HOLD BETWEEN THUMB AND FOREFINGER OR BREATHE ON IT. COLOR WILL DISAPPEAR, THEN REAPPEAR

FileRx.com 800-307-7717 RxPads.com

RX_2_VA_H

IF NEITHER BOX IS MARKED, A VOLUNTARY FORMULARY PRODUCT MUST BE DISPENSED

SAFETY FEATURES: COLORED VOID BACKGROUND - MICROPRINT LINES - IMPRINT ERASURE PROTECTION



636-295-1041

NKA

HEALTH CARE FOR THE FAMILY
SHAIENDRA SAXENA, M.D., PH.D.
2727 SOUTH 144TH STREET, SUITE 220
OMAHA, NE 68144-5249

(402) 778-5500 TEL.
(402) 778-5639 FAX

DEA # [REDACTED]
LIC. # [REDACTED]

NAME Matthew [REDACTED] DOB 6/1/89

ADDRESS 361 N. [REDACTED] DATE 4/2/21

TAMPER-RESISTANT SECURITY FEATURES LISTED ON BACK OF SCRIPT

R
Adderall XR 30y # 30 tabs
sig - T tabs po q Am

Adderall 5y # 30 tabs
sig - T tabs po q PM

Not to full [unclear]

- 1-24
 - 25-49
 - 50-74
 - 75-100
 - 101-150
 - 151 and over
- Units

Refill NR 1 2 3 4 5 6/2/21

(Signature) Cindy [unclear] 4/2/21
ok to fin after

To ensure brand name dispensing, prescriber must write 'No Drug Product Selection' or 'NDPS' on the prescription.

002271

0H48FP0175724

AUTUMN RIDGE FAMILY MEDICINE

5000 N 26th St #100, Lincoln, NE 68521

Office Hours (Mon)-(Fri) 8am-5:00pm

(Time) 09:45am

(Date): November 24th, 2017

(Phone): (402)-435-5300

(Patient Name): [Redacted]

(Date Of Birth): 12/09/1973

(Age) 44yrs

(Sex): Male

(Address):

1010 N 192nd St

Elkhorn, NE 68022

(Home Phone) 402-889-3719

(Work Phone)

Rx: Penicillin VK 500 MG Oral Tablet

Quantity: (per dose) ***1*** (One)


Unit: Tablet(s)

Route: Oral

Schedule: TID

Dispense/Supply: ***21*** (Twenty One)

Refill(s): ***0*** (Zero)


Dispense As Written

Substitution Permitted

Authorizing Provider: [Redacted]

Authorizing Provider DEA: [Redacted]

Authorizing Provider NPI: [Redacted]

****THIS PRESCRIPTION IS VOID IF MORE THAN 1(ONE) PRESCRIPTION WRITTEN PER BLANK****

DATE 11/24/17
 1010 N 192ND STREET
 ELKHORN, NE 68022
 PH (402) 435-5300
 DEAN# [Redacted]

FILL DATE 11/26/17 13:56
 ORG REFILLS 0
 NO 1987656-09899
 ARS/VARS/ARS/ JARS
 LF 11/26/17
 PATIENT PH (402) 889-3719
 NDC 57237-0041-05
 MFG CITRON
 PENICILLIN VK 500MG TABLETS
 QTY 21
 TAKE 1 TABLET BY MOUTH THREE TIMES DAILY
 NO REFILLS - DR. AUTH REQUIRED
 BAW N CLASS RX #DAYS 7
 BHHB BCRA
 PAY CODE \$16.29

5000 N 26TH ST
 LINCOLN, NE 685214749
 PH (402) 435-5300
 DEAN# [Redacted]

Walgreens




AUTUMN RIDGE FAMILY MEDICINE

5000 N 26th St #100, Lincoln, NE 68521

Office Hours (Mon)-(Fri) 8am-5:00pm

(Time) 09:45am

(Date): November 24th, 2017

(Phone): (402)-435-5300

(Patient Name):

(Date Of Birth): 12/09/1973 (Age) 44yrs (Sex) Male

(Address): (Home Phone) 402-889-3

1010 N 192nd St (Work Phone)

Elkhorn, NE 68022

Rx: Promethazine (Phenergan)/Codeine 6.25-10mg/5mL Sy

Quantity: (per dose) ***1*** (One) (J20.) (Z87.891)

Unit: Tsp(s)

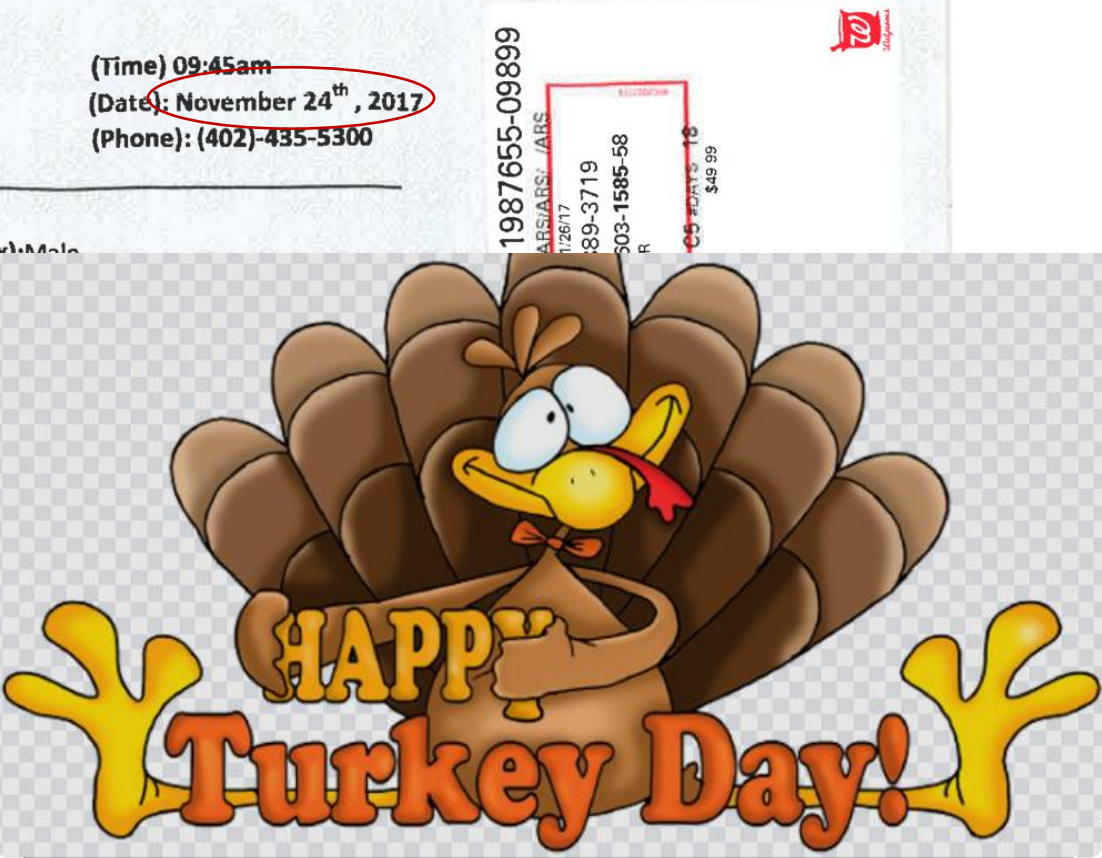
Route: Oral

Schedule: QID

Dispense/Supply: ***360mL*** (Three Hundred Six

Refill(s): ***0*** (Zero)

Notes: pt. has COPD (Chronic obstructive pulmonary dis



Dispense As Written

Substitution Permitted

Authorizing Provider:

Authorizing Provider DEA:

Authorizing Provider NPI:

****THIS PRESCRIPTION IS VOID IF MORE THAN 1(ONE) PRESCRIPTION WRITTEN PER BLANK****



THE FAKE FAX

2021-08-23 09:22:32 1 12
August 22, 2021 12:24:30 PM CDT -15202149694 7U 2 Received
+21-68-82 12:25 CDT - +15202149694 PAGE 2.
-15202149694 7U 2 RECEIVED
+15202149694 PAGE 2.

Medical Clinic

Address: 2252 N 82nd St
Lincoln, NE 68505

DEA: AA4833390-10181



Prescription Date: 08/22/2021

Promethazine-Codeine 6.25-10 MG/5ML Oral Solution

SIG: Take 5 mL orally every 4 hours to 6 hours as needed for cough.
Not to exceed 30 mL in 24 hours.

Refills: 0

Quantity: 360mL (Three Hundred-Sixty)

Date supply: 12 Days Supply

Note to pharmacy:

(ICD-10) J06.9 Acute upper respiratory infection, unspecified

(ICD-10) U07.1 COVID-19

QUESTIONS



**See Something
Say Something**

**You can
help stop
prescription
fraud!**

**CALL THE NEBRASKA STATE PATROL
402-331-3335**

Fax: 402.595.2093
Email: nsp.troopaiso@nebraska.gov
Website: <http://nsp.ne.gov/drugdiversion>



**Nebraska State Patrol
Investigative Services**