

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

FILED

SEP 14 2020

PATRICK KEANEY
Clerk, U.S. District Court

By _____
Deputy Clerk

UNITED STATES OF AMERICA,

Plaintiff,

v.

NELSON ONARO, D.O.,

Defendant.

Case No. **CR 20-089-RAW**

INDICTMENT

The Federal Grand Jury charges:

At times material to this Indictment:

1. Defendant NELSON ONARO was a Doctor of Osteopathic Medicine in the Oklahoma licensed under Oklahoma Board of Osteopathic License No. 3437.

2. NELSON ONARO owned and operated the Medical Clinic of McAlester. This practice was located at McAlester, Oklahoma.

3. As part of his practice, NELSON ONARO prescribed controlled substances, including highly addictive opioids, with his Drug Enforcement Administration (DEA) license under DEA License Number BW9835488.

4. Under the Controlled Substances Act, Title 21, United States Code, Section 841(a) et seq., and Title 21, Code of Federal Regulations, Section 1306.04, a prescription for a controlled substance is not legal or effective unless issued for a legitimate medical purpose by a practitioner acting in the usual course of professional practice.

5. NELSON ONARO routinely prescribed various Schedule II controlled substances, including fentanyl, oxycodone, oxymorphone and morphine for his patients outside the usual course of professional practice and without a legitimate medical purpose.

COUNTS ONE THROUGH TWENTY-FOUR

**UNLAWFUL DISTRIBUTION AND
DISPENSING OF CONTROLLED SUBSTANCES**

6. Paragraphs 1 through 5 of the Indictment are incorporated by reference as though fully set forth herein.

7. On or about the dates set forth below, in the Eastern District of Oklahoma, and elsewhere, the defendant NELSON ONARO knowingly, intentionally, and unlawfully dispensed and distributed, and caused to be dispensed and distributed, outside the usual course of professional practice and not for a legitimate medical purpose, the controlled substances listed below, each of which constitutes a separate count of this Indictment:

Count	Patient	Approximate Date of Written Prescription	Controlled Substance(s), Prescriptions
1	J.W.	5/23/2019	Fentanyl (Schedule II)
2	J.W.	6/20/2019	Fentanyl (Schedule II)
3	L.B.	1/2/2018	Fentanyl (Schedule II)
4	L.B.	1/2/2018	Morphine (Schedule II)
5	L.B.	4/25/2018	Fentanyl (Schedule II)
6	L.B.	4/25/2018	Hydrocodone (Schedule II)
7	S.F.	2/6/2018	Oxycontin (Schedule II)

Count	Patient	Approximate Date of Written Prescription	Controlled Substance(s), Prescriptions
8	S.F.	2/6/2018	Oxycodone (Schedule II)
9	S.F.	3/13/2019	Fentanyl (Schedule II)
10	S.F.	3/13/2019	Oxycodone (Schedule II)
11	M.J.	1/9/2018	Fentanyl (Schedule II)
12	M.J.	1/9/2018	Oxymorphone (Schedule II)
13	M.J.	8/28/2018	Fentanyl (Schedule II)
14	M.J.	8/28/2018	Oxymorphone (Schedule II)
15	N.P.	10/17/2019	Fentanyl (Schedule II)
16	N.P.	10/17/2019	Oxycodone (Schedule II)
17	N.P.	12/12/2019	Fentanyl (Schedule II)
18	N.P.	12/12/2019	Oxycodone (Schedule II)
19	V.P.	3/28/2019	Fentanyl (Schedule II)
20	V.P.	3/28/2019	Oxycodone (Schedule II)
21	V.P.	5/28/2019	Fentanyl (Schedule II)
22	V.P.	5/28/2019	Oxycodone (Schedule II)
23	V.P.	11/26/2019	Fentanyl (Schedule II)
24	V.P.	11/26/2019	Oxycodone (Schedule II)

In violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(C) and 18 U.S.C. § 2.

FORFEITURE ALLEGATIONS

8. The allegations contained in paragraphs 1 through 7, and specifically Counts 1 through 24, are incorporated here for the purpose of alleging forfeiture pursuant to the provisions of Title 18, United States Code, Section 982 and Title 21, United States Code, Section 853.

9. Upon conviction of a violation of Title 21, United States Code, Sections 841, as alleged in Counts 1 through 24 of this Indictment, the defendant NELSON ONARO shall forfeit to the United States of America any property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such offenses and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offenses.

10. The property to be forfeited includes, but is not limited to, the following:

a. any property, real or personal, that constitutes or is derived, directly or indirectly, as the result of such violation;

b. any DEA license(s) for ONARO; and

c. any of the defendants' property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation.

11. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant:

i. cannot be located upon the exercise of due diligence;

ii. has been transferred or sold to, or deposited with, a third party;

iii. has been placed beyond the jurisdiction of the Court;

iv. has been substantially diminished in value; or

v. has been commingled with other property that cannot be subdivided without difficulty;

the defendants shall forfeit to the United States any other property of the defendant, up to the value of the property described above, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1) and Title 28, United States Code, Section 2461(c).

All pursuant to 18 U.S.C. §982(a)(7), 28 U.S.C. § 2461(c), and Title 21, United States Code, Section 853(a).

A TRUE BILL:

BRIAN J. KUESTER
United States Attorney

DANIEL KAHN
Acting Chief, Fraud Section



DANIEL J. GRIFFIN
Assistant Chief, Fraud Section

Pursuant to the E-Government Act,
the original indictment has been filed
under seal in the Clerk's Office.

s / Foreperson
FOREPERSON OF THE GRAND JURY