

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA)		
)	Case No.	<u>1:19-cr-38</u>
vs.)		
)		
)	INDICTMENT	
)		
RAYMOND NOSCHANG)		21 U.S.C. § 841
)		
)	Dlott	
)		
)		
)		

The GRAND JURY charges:

At times material to this Indictment:

DEFENDANT

1. Defendant RAYMOND NOSCHANG is a resident of Hamilton County, Ohio.
2. NOSCHANG is a licensed medical doctor in the State of Ohio.
3. NOCSHANG is registered with federal and state authorities to prescribe schedule

II-V controlled substances.

GENERAL ALLEGATIONS AND TERMINOLOGY

4. The Controlled Substances Act (“CSA”) governs the manufacture, distribution, and dispensation of controlled substances in the United States. The CSA and the Code of Federal Regulations (“CFR”) contain definitions relevant to this Indictment, some of which are set forth below.

5. The term “controlled substance” means a drug or other substance, or immediate precursor, included in Schedule I, II, III, IV and V, as designated by Title 21, United States Code, Section 802(c)(6), and the CFR.

6. The term “Schedule II” means the drug or other substance has a high potential for abuse; the drug has a currently accepted medical use with severe restrictions; and abuse of the drug or other substance may lead to severe psychological or physical dependence.

7. The term “dispense” means to deliver a controlled substance to an ultimate user or research subject by, or pursuant to the lawful order of, a practitioner, including the prescribing and administering of a controlled substance.

8. The term “distribute” means to deliver (other than by administering or dispensing) a controlled substance.

9. The term “practitioner” means a medical doctor, physician, or other individual licensed, registered, or otherwise permitted, by the United States or the jurisdiction in which she or he practices, to dispense a controlled substance in the course of profit.

10. The Drug Enforcement Administration (“DEA”) issues registration numbers to qualifying doctors, who become authorized to dispense Schedule II, III, IV, and V controlled substances. To issue a prescription for a controlled substance, a doctor must have a DEA registration number for each location in which they are dispensing medicine per state where dispensing controlled substances.

11. A prescription for a controlled substance violates the CSA and CFR if it is issued beyond the bounds of medical practice or is not for a legitimate medical purpose in the usual course of a professional practice.

12. The term “dosage” is the amount, frequency, and number of doses of medication authorized by a practitioner, who has been issued a DEA registration number.

13. The term “prescription” means an order for medication which is dispensed to or for an ultimate user but does not include an order for medication which is dispensed for immediate administration to the ultimate user.

CONTROLLED SUBSTANCES RELEVANT TO THE INDICTMENT

14. Oxycodone is a Schedule II controlled substance.
15. OxyContin is a brand name for a pill containing oxycodone.

COUNTS ONE THROUGH EIGHT
 UNLAWFUL DISTRIBUTION AND DISPENSING OF CONTROLLED SUBSTANCES
 [21 U.S.C. § 841]

THE GRAND JURY FURTHER CHARGES THAT:

16. Paragraphs 1 through 15 of the Indictment are realleged and incorporated by reference as though fully set forth herein.

On or about the dates set forth below, in the Southern District of Ohio, and elsewhere, the defendant RAYMOND NOSCHANG, a physician authorized to dispense controlled substances, did knowingly, intentionally, and unlawfully dispense and distribute, and cause to be dispensed and distributed, outside the usual course of professional practice and not for a legitimate medical purpose, the Schedule II controlled substances, as listed below:

Ct.	Patient	Approximate Date of Prescription	Controlled Substance(s)
1	C.S.	10/9/15	Oxycodone 30 mg
2	C.S.	2/23/19	Oxycodone 30 mg
3	R.X.	5/29/18	OxyContin 80 mg Oxycodone 30 mg
4	R.X.	6/25/18	OxyContin 80 mg Oxycodone 30 mg
5	R.M.	7/27/17	Oxycodone 30 mg
6	R.M.	7/26/18	Oxycodone 30 mg
7	J.W.	4/2/16	Oxycodone 30 mg
8	J.W.	4/30/16	Oxycodone 30 mg

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

FORFEITURE ALLEGATIONS

The GRAND JURY further alleges:

17. The allegations contained in Counts One through Eight of this Indictment are incorporated here for the purpose of alleging forfeiture pursuant to the provisions of Title 18, United States Code, Section 982.

18. Upon conviction of a violation of Title 21, or United States Code, Sections 841, as alleged in Counts One through Eight of this Indictment, the defendants shall forfeit to the United States, irrespective of any provision of State law

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 NOSCHANG;

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.

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

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).

All pursuant to Title 21, United States Code, Section 853(a).

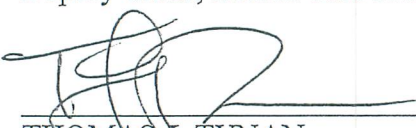
A TRUE BILL:



FOREPERSON

BENJAMIN C. GLASSMAN
United States Attorney

JOSEPH BEEMSTERBOER
United States Department of Justice
Criminal Division, Fraud Section
Deputy Chief, Health Care Fraud



THOMAS J. TYNAN
LESLIE S. GARTHWAITE
Trial Attorneys
United States Department of Justice
Criminal Division, Fraud Section