

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DISTRICT

FILED  
RICHARD W. NAGEL  
CLERK OF COURT

2020 SEP 23 AM 11:00

U.S. DISTRICT COURT  
SOUTHERN DIST OHIO  
WEST DIV CINCINNATI

UNITED STATES OF AMERICA

Plaintiff,

vs.

WILLIAM DALTON THOMAS (1); and  
AMANDA MATHEWS (2),

Defendants.

Case No.

**1120CR 099**

Judge

**J. McFARLAND**

21 U.S.C. § 841(a)(1)

21 U.S.C. § 846

18 U.S.C. § 2

FORFEITURE ALLEGATIONS

**INDICTMENT**

**The GRAND JURY charges:**

At times material to this Indictment:

**GENERAL ALLEGATIONS**

**The Defendants and Relevant Entity**

1. Defendant WILLIAM DALTON THOMAS (THOMAS) was a licensed dentist in Ohio, credentialed under Ohio Dental Board License #30.020497. THOMAS was registered with federal and state authorities to prescribe Schedule II – V controlled substances.

2. New Market Family Dentistry (New Market) was a dental practice, located at 4503 US-62, Hillsboro, Ohio, 45133. THOMAS owned and operated New Market and prescribed controlled substances, including highly addictive opioids, as part of his practice at New Market. While THOMAS employed additional staff, THOMAS was the only individual at New Market who was registered to prescribe controlled substances, and the only licensed dentist, who practiced there.

3. Defendant AMANDA MATHEWS (MATHEWS) was employed by THOMAS as a dental assistant at New Market from at least in or around 2010 through in or around August

2019. MATHEWS obtained and maintained a dental radiography license under Ohio Dental Board License #51.009362. However, MATHEWS never obtained credentialing to perform any type of dental procedures, to become a dentist, or to qualify as a registrant to prescribe controlled substances under state or federal guidelines.

#### **The Controlled Substances Act and Code of Federal Regulations**

4. The Controlled Substances Act (CSA), Title 21, United States Code, Section 841(a) *et seq.* and Title 21, Code of Federal Regulations, Section 1306.04, governed the manufacture, distribution, and dispensation of controlled substances in the United States. The CSA and the Code of Federal Regulations (CFR) contained definitions relevant to this Indictment, as set forth below.

5. The term “controlled substance” meant 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. The designation “Schedule II” meant the drug or other substance had a high potential for abuse; the drug had a currently accepted medical use with severe restrictions; and abuse of the drug or other substance may lead to severe psychological or physical dependence. Oxycodone was a Schedule II controlled substance.

6. The term “dispense” meant 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. The term “distribute” meant to deliver (other than by administering or dispensing) a controlled substance.

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

8. The Drug Enforcement Administration (DEA) issued registration numbers to qualifying doctors, who thereby became authorized to dispense Schedule II, III, IV, and V controlled substances. To issue a prescription for a controlled substance, a doctor was required to have a DEA registration number for each location in which the doctor was dispensing medicine, and for each state where the doctor was prescribing controlled substances.

9. The term “prescription” meant an order for medication which was dispensed to or for a user but did not include an order for medication which was dispensed for immediate administration to the user. Title 21, CFR, Section 1306.04, provided that “[a]ll prescriptions for controlled substances shall be dated as of, and signed on, the day when issued and shall bear the full name and address of the patient, the drug name, strength, dosage form, quantity prescribed, directions for use, and the name, address and registration number of the practitioner.”

10. Under the CSA and CFR, a prescription for a controlled substance was unlawful unless issued for a legitimate medical purpose by a practitioner acting in the usual course of professional practice.

### **COUNTS ONE THROUGH SEVEN**

#### **UNLAWFUL DISTRIBUTION AND DISPENSING OF CONTROLLED SUBSTANCES**

[21 U.S.C. § 841]

#### **THE GRAND JURY FURTHER CHARGES THAT:**

11. Paragraphs 1 through 10 of the Indictment are realleged and incorporated by reference as though fully set forth herein.

12. On or about the dates set forth below, in the Southern District of Ohio, and elsewhere, the defendant WILLIAM DALTON THOMAS, aided and abetted by others, including AMANDA MATHEWS, 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 controlled substances listed below, each of which constitutes a separate count of this Indictment:

Count	Patient	Approximate Date of Written Prescription	Controlled Substance
1	J.D.	12/18/2017	Oxycodone
2	A.I.	12/19/2017	Oxycodone
3	A.M.	1/8/2018	Oxycodone
4	M.J.	9/10/2018	Oxycodone
5	L.P.	3/21/2019	Oxycodone
6	K.J.	3/28/2019	Oxycodone
7	C.G.	4/2/2019	Oxycodone

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

**COUNT EIGHT**

**CONSPIRACY TO COMMIT UNLAWFUL DISTRIBUTION  
AND DISPENSING OF CONTROLLED SUBSTANCES**

[21 U.S.C. § 846]

**THE GRAND JURY FURTHER CHARGES THAT:**

13. Paragraphs 1 through 10 of the Indictment are realleged and incorporated by reference as though fully set forth herein.

14. On or before October 16, 2015, through on or about August 28, 2019, in the Southern District of Ohio, and elsewhere, the defendants WILLIAM DALTON THOMAS and AMANDA MATHEWS knowingly and intentionally combined, conspired, confederated, and agreed together with each other and other persons known and unknown to the Grand Jury, to

unlawfully distribute and dispense Oxycodone and Diazepam, Schedule II and IV controlled substances, in violation of 21 U.S.C. § 841(a)(1).

**In violation of 21 U.S.C. § 846.**

FORFEITURE ALLEGATIONS

**The GRAND JURY further alleges:**

15. The allegations contained in Counts 1 through 8 of this Indictment are incorporated here for the purpose of alleging forfeiture pursuant to the provisions of Title 21, United States Code, Section 853.

16. Upon conviction of a violation of Title 21, United States Code, Sections 841, as alleged in Counts 1 through 7 of this Indictment, the defendants WILLIAM DALTON THOMAS and AMANDA MATHEWS 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.

17. Pursuant to Title 28, United States Code, Section 2461(c), upon conviction of a conspiracy to violate Title 21, United States Code, Section 841, in violation of Title 18, United States Code, Section 371, as set forth in Count 8 of this Indictment, defendants WILLIAM DALTON THOMAS and AMANDA MATHEWS shall forfeit to the United States of America any property, real or personal, which constitutes or is derived from proceeds traceable to said violation(s).

18. 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 THOMAS; 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.

19. 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 Title 21, United States Code, Section 853(a), Title 18, United States Code, Section 982(a)(7), and Title 28, United States Code, Section 2461(c).

A TRUE BILL:

/s/  
FOREPERSON

DAVID M. DEVILLERS  
United States Attorney

DANIEL KAHN  
Acting Chief  
Criminal Division, Fraud Section  
United States Department of Justice

ALLAN J. MEDINA  
Chief, Health Care Fraud Unit  
Criminal Division, Fraud Section  
United States Department of Justice

A handwritten signature in black ink, appearing to read 'C. Jason', written over a horizontal line.

CHRISTOPHER M. JASON  
Trial Attorney  
Criminal Division, Fraud Section  
United States Department of Justice