

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

FILED

JUN 17 2020

CARMELITA REEDER SHINN, CLERK
U.S. DIST. COURT, WESTERN DIST. OKLA.
BY KM, DEPUTY

UNITED STATES OF AMERICA,)

Plaintiff,)

-vs-)

DONALD HYUNGJOON KIM, M.D.,)

Defendant.)

CR 20-163PRW

Case No. _____

Violations: 21 U.S.C. § 841(a)(1)
21 U.S.C. § 841(b)(1)(C)

INDICTMENT

The Federal Grand Jury charges:

INTRODUCTION

At all times material to this Indictment:

1. **DONALD HYUNGJOON KIM, M.D.** was licensed on July 27, 2000, to practice medicine in the State of Oklahoma and practiced medicine at the Bethesda Medical Group in Oklahoma City, Oklahoma. He was authorized by the Drug Enforcement Agency to prescribe controlled substances.

2. A doctor who prescribed federally controlled prescription drugs must dispense such substances within the usual course of professional medical practice and for a legitimate medical purpose.

3. Opioids are a class of narcotic pain relievers available by prescription only. Types of opioids included hydrocodone, hydrocodone-acetaminophen, morphine, fentanyl, oxycodone, oxycodone-acetaminophen, oxycodone hydrochloride, oxymorphone,

oxycodone hydrochloride, oxycodone, and tapentadol. These opioids are Schedule II controlled substances.

4. Benzodiazepines are a class of drugs that are central nervous system depressants, available by prescription only. Benzodiazepines included alprazolam, diazepam, lorazepam, clonazepam, and temazepam. Benzodiazepines are Schedule IV controlled substances. Carisoprodol is a muscle relaxer and a Schedule IV controlled substance.

5. Effective November 1, 2015, medical doctors treating patients in Oklahoma were required, before prescribing opiates, synthetic opiates, semi-synthetic opiates, benzodiazepines, and carisoprodol, to check Prescription Monitoring Program (PMP) records on new patients and on patients for whom 180 days have elapsed since the last PMP check.

6. It was well established in medical literature that when a combination of opioids were taken with benzodiazepines, there was a greatly increased risk of respiratory depression and lethal overdose. On August 31, 2016, the Food and Drug Administration issued a warning to medical practitioners regarding co-prescribing opioids and benzodiazepines.

7. In 2009, the American Academy of Pain and the American Pain Society Guidelines stated that the accepted maximum opioid dosage for relief of chronic pain per day for non-cancer patients was 200 morphine equivalent dosage (MED). In March of 2016, the Center for Disease Control changed that guideline and reduced the safe dosage of opioids to 50 MED in any given day with careful justification of doses up to 90 MED on any given day. The medical necessity for anything more than 50 MED should be well documented.

8. As part of his practice, **DONALD HYUNGJOON KIM, M.D.** wrote Schedule II controlled substance prescriptions for opioids as pain relievers for his patients and combined those with Schedule IV prescriptions for benzodiazepines and muscle relaxers.

9. **DONALD HYUNGJOON KIM, M.D.** prescribed large amounts of opioids, opioids with benzodiazepines, opioids with benzodiazepines and muscle relaxers without medical necessity and outside the usual course of professional medical practice. His opioid prescriptions to patients routinely exceeded the 200 MED and 90 MED guidelines for safe dosages.

COUNTS 1-22
(Distribution of Controlled Substances)

From on or about July 1, 2015, to on or about October 18, 2016, in the Western District of Oklahoma,

----- **DONALD HYUNGJOON KIM, M.D.** -----

knowingly and intentionally distributed and dispensed controlled substances to C.L. outside the usual course of professional medical practice and without legitimate medical purpose on or about the following dates:

Count	Date	Controlled Substance
1	07/01/2015	fentanyl, hydrocodone-acetaminophen and carisoprodol
2	07/29/2015	fentanyl, hydrocodone-acetaminophen and carisoprodol
3	08/26/2015	fentanyl and hydrocodone-acetaminophen
4	09/21/2015	carisoprodol
5	09/23/2015	fentanyl and hydrocodone-acetaminophen
6	10/21/2015	fentanyl and hydrocodone-acetaminophen

7	11/16/2015	carisoprodol
8	11/17/2015	fentanyl and hydrocodone-acetaminophen
9	12/02/2015	fentanyl and hydrocodone-acetaminophen
10	01/11/2016	carisoprodol
11	01/13/2016	fentanyl and hydrocodone-acetaminophen
12	02/10/2016	fentanyl and hydrocodone-acetaminophen
13	03/09/2016	fentanyl, hydrocodone-acetaminophen and carisoprodol
14	04/06/2016	fentanyl and hydrocodone-acetaminophen
15	05/02/2016	carisoprodol
16	05/04/2016	fentanyl
17	05/25/2016	hydrocodone-acetaminophen
18	06/08/2016	hydrocodone-acetaminophen
19	08/23/2016	fentanyl, hydrocodone-acetaminophen and carisoprodol
20	09/21/2016	fentanyl and hydrocodone-acetaminophen
21	10/04/2016	fentanyl and hydrocodone-acetaminophen
22	10/18/2016	carisoprodol

All in violation of Title 21, United States Code, Section 841(a)(1), the penalty for which is found in Title 21, United States Code, Section 841(b)(1)(C).

COUNTS 23-37
(Distribution of Controlled Substances)

From on or about July 14, 2015, to on or about July 8, 2016, in the Western District of Oklahoma,

----- **DONALD HYUNGJOON KIM, M.D.** -----

knowingly and intentionally distributed and dispensed controlled substances to B.L. outside the usual course of professional medical practice and without legitimate medical purpose on or about the following dates:

Count	Date	Controlled Substance
23	07/14/2015	oxycodone hydrochloride, oxycontin, carisoprodol and fentanyl
24	08/07/2015	oxycodone hydrochloride, oxycontin, carisoprodol and fentanyl
25	09/11/2015	oxycodone hydrochloride, oxycontin, carisoprodol and fentanyl
26	10/14/2015	oxycodone hydrochloride, oxycontin and fentanyl
27	11/13/2015	oxycodone hydrochloride, oxycontin, carisoprodol and fentanyl
28	12/11/2015	oxycodone hydrochloride, oxycontin and fentanyl
29	01/11/2016	oxycodone hydrochloride, oxycontin, carisoprodol and fentanyl
30	02/12/2016	oxycodone hydrochloride, oxycontin and fentanyl
31	03/11/2016	oxycodone hydrochloride, oxycontin and fentanyl
32	03/14/2016	carisoprodol
33	04/13/2016	oxycodone hydrochloride, oxycontin, carisoprodol and fentanyl
34	05/05/2016	carisoprodol
35	05/06/2016	oxycodone hydrochloride, oxycontin and fentanyl
36	06/07/2016	oxycodone hydrochloride, oxycontin and fentanyl
37	07/08/2016	oxycodone hydrochloride, oxycontin, carisoprodol and fentanyl

All in violation of Title 21, United States Code, Section 841(a)(1), the penalty for which is found in Title 21, United States Code, Section 841(b)(1)(C).

COUNTS 38-91
(Distribution of Controlled Substances)

From on or about December 17, 2015, to on or about July 9, 2018, in the Western District of Oklahoma,

----- **DONALD HYUNGJOON KIM, M.D.** -----

knowingly and intentionally distributed and dispensed controlled substances to K.B. outside the usual course of professional medical practice and without legitimate medical purpose on or about the following dates:

Count	Date	Controlled Substance
38	12/17/2015	carisoprodol
39	01/19/2016	oxycodone hydrochloride, oxycontin and morphine
40	01/21/2016	carisoprodol
41	01/28/2016	temazepam
42	02/17/2016	oxycodone hydrochloride, oxycontin, carisoprodol and morphine
43	03/15/2016	oxycodone hydrochloride, oxycontin, carisoprodol and morphine
44	03/30/2016	temazepam
45	04/13/2016	oxycodone hydrochloride, oxycontin and morphine
46	05/05/2016	oxycodone hydrochloride, oxycontin, carisoprodol and morphine
47	06/08/2016	temazepam
48	06/10/2016	oxycontin, carisoprodol and morphine
49	07/06/2016	oxycodone hydrochloride, oxycontin and morphine
50	07/07/2016	carisoprodol
51	08/04/2016	oxycodone hydrochloride, oxycontin, carisoprodol, temazepam and morphine
52	09/06/2016	oxycodone hydrochloride, oxycontin and morphine

53	09/08/2016	carisoprodol
54	10/03/2016	oxycodone hydrochloride, oxycontin, carisoprodol and morphine
55	11/08/2016	oxycodone hydrochloride, oxycontin and morphine
56	11/09/2016	carisoprodol
57	12/08/2016	oxycodone hydrochloride, oxycontin and morphine
58	12/09/2016	carisoprodol
59	12/12/2016	carisoprodol
60	12/27/2016	temazepam
61	01/04/2017	oxycodone hydrochloride, oxycontin, carisoprodol and morphine
62	01/31/2017	morphine
63	02/03/2017	oxycodone hydrochloride, oxycontin and carisoprodol
64	02/28/2017	oxycodone hydrochloride, oxycontin and carisoprodol
65	03/01/2017	temazepam
66	03/24/2017	oxycodone hydrochloride
67	04/19/2017	oxycodone hydrochloride and oxycontin
68	04/25/2017	carisoprodol
69	05/02/2017	temazepam
70	05/30/2017	oxycodone hydrochloride, oxycontin and carisoprodol
71	06/05/2017	temazepam
72	06/27/2017	oxycodone hydrochloride, oxycontin and carisoprodol
73	07/24/2017	oxycontin and carisoprodol
74	07/27/2017	oxycodone hydrochloride
75	08/09/2017	temazepam
76	08/22/2017	oxycodone hydrochloride, oxycontin and carisoprodol
77	09/18/2017	oxycodone hydrochloride, oxycontin and carisoprodol

78	10/17/2017	oxycodone hydrochloride, oxycontin, carisoprodol and temazepam
79	11/15/2017	oxycodone hydrochloride, oxycontin and carisoprodol
80	12/19/2017	temazepam
81	12/26/2017	oxycodone hydrochloride, oxycontin and carisoprodol
82	01/31/2018	oxycodone hydrochloride, oxycontin and carisoprodol
83	02/19/2018	oxycodone hydrochloride, oxycontin, carisoprodol and temazepam
84	03/27/2018	oxycontin
85	03/28/2018	oxycodone hydrochloride and carisoprodol
86	04/03/2018	morphine
87	04/25/2018	oxycodone hydrochloride and oxycontin
88	04/26/2018	carisoprodol
89	04/27/2018	temazepam
90	05/18/2018	oxycodone hydrochloride, oxycontin and carisoprodol
91	07/09/2018	oxycodone hydrochloride, oxycontin and carisoprodol

All in violation of Title 21, United States Code, Section 841(a)(1), the penalty for which is found in Title 21, United States Code, Section 841(b)(1)(C).

COUNTS 92-112
(Distribution of Controlled Substances)

From on or about July 18, 2016, to on or about March 28, 2018, in the Western District of Oklahoma,

----- **DONALD HYUNGJOON KIM, M.D.** -----

knowingly and intentionally distributed and dispensed controlled substances to N.C. outside the usual course of professional medical practice and without legitimate medical purpose on or about the following dates:

Count	Date	Controlled Substance
92	07/18/2016	oxycodone hydrochloride, oxymorphone hydrochloride, fentanyl and carisoprodol
93	08/17/2016	oxycodone hydrochloride, oxymorphone hydrochloride, fentanyl and carisoprodol
94	09/16/2016	oxycodone hydrochloride, oxymorphone hydrochloride, fentanyl and carisoprodol
95	10/14/2016	oxycodone hydrochloride, oxymorphone hydrochloride, fentanyl and carisoprodol
96	11/10/2016	oxycodone hydrochloride, oxymorphone hydrochloride, fentanyl and carisoprodol
97	12/12/2016	oxycodone hydrochloride, oxymorphone hydrochloride, fentanyl and carisoprodol
98	1/10/2017	oxycodone hydrochloride, oxymorphone hydrochloride, fentanyl and carisoprodol
99	02/09/2017	oxycodone hydrochloride, oxymorphone hydrochloride, fentanyl and carisoprodol
100	03/10/2017	oxycodone hydrochloride, oxymorphone hydrochloride and fentanyl
101	04/07/2017	oxycodone hydrochloride, oxymorphone hydrochloride and fentanyl
102	05/04/2017	oxycodone hydrochloride, oxymorphone hydrochloride and fentanyl
103	06/06/2017	oxycodone hydrochloride, oxymorphone hydrochloride and fentanyl
104	07/12/2017	oxycodone hydrochloride, tapentadol and fentanyl
105	08/02/2017	oxycodone hydrochloride, oxycontin and fentanyl
106	08/31/2017	oxycodone hydrochloride, oxycontin and fentanyl
107	09/19/2017	oxycodone hydrochloride, oxycontin and fentanyl
108	10/18/2017	oxycodone hydrochloride, oxycontin and fentanyl
109	11/14/2017	oxycodone hydrochloride, oxycontin and fentanyl
110	01/29/2018	oxycodone hydrochloride, oxycontin and fentanyl

111	02/28/2018	oxycodone hydrochloride, oxycontin and fentanyl
112	03/28/2018	oxycodone hydrochloride, oxycontin and fentanyl

All in violation of Title 21, United States Code, Section 841(a)(1), the penalty for which is found in Title 21, United States Code, Section 841(b)(1)(C).

COUNTS 113-134
(Distribution of Controlled Substances)

From on or about May 10, 2017, to on or about April 11, 2018, in the Western District of Oklahoma,

----- **DONALD HYUNGJOON KIM, M.D.** -----

knowingly and intentionally distributed and dispensed controlled substances to R.S. outside the usual course of professional medical practice and without legitimate medical purpose on or about the following dates:

Count	Date	Controlled Substance
113	05/10/2017	oxycodone hydrochloride and oxymorphone hydrochloride
114	05/22/2017	oxycodone hydrochloride and oxymorphone hydrochloride
115	06/05/2017	oxycodone hydrochloride and oxymorphone hydrochloride
116	06/16/2017	oxymorphone hydrochloride
117	07/17/2017	oxycodone hydrochloride and oxymorphone hydrochloride
118	07/31/2017	oxymorphone hydrochloride
119	08/01/2017	oxycodone hydrochloride and oxymorphone hydrochloride
120	08/29/2017	oxymorphone hydrochloride
121	09/07/2017	oxycodone hydrochloride and oxymorphone hydrochloride
122	09/26/2017	oxymorphone hydrochloride

123	10/09/2017	oxycodone hydrochloride and oxymorphone hydrochloride
124	11/03/2017	oxycodone hydrochloride and oxymorphone hydrochloride
125	11/21/2017	oxymorphone hydrochloride
126	12/01/2017	oxycodone hydrochloride and oxymorphone hydrochloride
127	12/19/2017	oxycodone hydrochloride and oxymorphone hydrochloride
128	01/10/2018	oxymorphone hydrochloride
129	01/22/2018	oxycodone hydrochloride and oxymorphone hydrochloride
130	02/05/2018	oxymorphone hydrochloride
131	02/21/2018	oxycodone hydrochloride and oxymorphone hydrochloride
132	03/06/2018	oxymorphone hydrochloride
133	03/19/2018	oxycodone hydrochloride and oxymorphone hydrochloride
134	04/11/2018	oxycodone hydrochloride

All in violation of Title 21, United States Code, Section 841(a)(1), the penalty for which is found in Title 21, United States Code, Section 841(b)(1)(C).

COUNTS 135-138
(Distribution of Controlled Substances)

From on or about July 2, 2015, to on or about September 22, 2015, in the Western District of Oklahoma,

----- **DONALD HYUNGJOON KIM, M.D.** -----

knowingly and intentionally distributed and dispensed controlled substances to C.H. outside the usual course of professional medical practice and without legitimate medical purpose on or about the following dates:

Count	Date	Controlled Substance
135	07/02/2015	oxycodone hydrochloride and fentanyl
136	07/30/2015	oxycodone hydrochloride and fentanyl
137	08/25/2015	oxycodone hydrochloride and fentanyl
138	09/22/2015	oxycodone hydrochloride and fentanyl

All in violation of Title 21, United States Code, Section 841(a)(1), the penalty for which is found in Title 21, United States Code, Section 841(b)(1)(C).

COUNT 139
(Distribution of Controlled Substances Resulting in Death)

On or about October 20, 2015, in the Western District of Oklahoma,

----- **DONALD HYUNGJOON KIM, M.D.** -----
knowingly and intentionally distributed and dispensed oxycodone hydrochloride and fentanyl, Schedule II controlled substances, to C.H. outside the usual course of professional medical practice and without legitimate medical purpose, resulting in the death of C.H. from acute fentanyl toxicity on or about November 16, 2015.

All in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNTS 140-141
(Distribution of Controlled Substances)

On or about August 25, 2015, to on or about September 8, 2015, in the Western District of Oklahoma,

----- **DONALD HYUNGJOON KIM, M.D.** -----
knowingly and intentionally distributed and dispensed controlled substances to C.E. outside the usual course of professional medical practice and without legitimate medical purpose on or about the following dates:

Count	Date	Controlled Substance
140	08/25/2015	oxycodone-acetaminophen
141	09/08/2015	oxycodone-acetaminophen and fentanyl

All in violation of Title 21, United States Code, Section 841(a)(1), the penalty for which is found in Title 21, United States Code, Section 841(b)(1)(C).

COUNT 142
(Distribution of Controlled Substances Resulting in Death)

On or about October 6, 2015, in the Western District of Oklahoma,

----- **DONALD HYUNGJOON KIM, M.D.** -----
 knowingly and intentionally distributed and dispensed oxycodone-acetaminophen and fentanyl, Schedule II controlled substances, to C.E. outside the usual course of professional medical practice and without legitimate medical purpose, resulting in the death of C.E. from acute combined drug toxicity on or about October 9, 2015.

All in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNTS 143-153
(Distribution of Controlled Substances)

On or about September 7, 2017, to on or about October 12, 2018, in the Western District of Oklahoma,

----- **DONALD HYUNGJOON KIM, M.D.** -----
 knowingly and intentionally distributed and dispensed controlled substances to P.T. outside the usual course of professional medical practice and without legitimate medical purpose on or about the following dates:

Count	Date	Controlled Substance
143	09/07/2017	oxycodone, oxymorphone and carisoprodol
144	10/04/2017	oxycodone, oxymorphone and carisoprodol
145	11/02/2017	oxycodone, oxymorphone and carisoprodol
146	11/29/2017	oxycodone, oxymorphone and carisoprodol
147	02/28/2018	oxycodone and oxymorphone
148	03/28/2018	oxycodone and oxymorphone
149	04/23/2018	oxycodone and oxymorphone
150	05/18/2018	oxycodone and oxymorphone
151	07/05/2018	oxycodone and oxymorphone
152	08/14/2018	oxymorphone
153	10/12/2018	oxycodone and oxymorphone

All in violation of Title 21, United States Code, Section 841(a)(1), the penalty for which is found in Title 21, United States Code, Section 841(b)(1)(C).

COUNT 154
(Distribution of Controlled Substances Resulting in Death)

On or about November 13, 2018, in the Western District of Oklahoma,

----- **DONALD HYUNGJOON KIM, M.D.** -----

knowingly and intentionally distributed and dispensed oxycodone-acetaminophen and fentanyl, Schedule II controlled substances, to P.T. outside the usual course of professional

medical practice and without legitimate medical purpose, resulting in the death of P.T. from combined drug toxicity on or about December 7, 2018.

All in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

A TRUE BILL:


FOREPERSON OF THE GRAND JURY

TIMOTHY J. DOWNING
United States Attorney



DAVID P. PETERMANN
MATTHEW P. ANDERSON
Assistant United States Attorneys