

UNITED STATES DISTRICT COURT

for the

District of New Jersey

United States of America)

v.)

Robert K. Taffet)

Case No.)

Mag. No. 22-mj-2023 (AMD)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 27, 2020 – December 20, 2021 in the county of Camden in the District of New Jersey, the defendant(s) violated:

Table with 2 columns: Code Section, Description of Offenses. Row 1: 21 U.S.C. § 846, contrary to 21 U.S.C. §§ 841(a)(1) and (b)(1) (C); See Attachment A.

This criminal complaint is based on these facts:

See Attachment B.

Continued on the attached sheet.

Richard P. Fulham (handwritten signature)

Complainant's signature

Richard P. Fulham, Task Force Officer, DEA

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by

telephone (specify reliable electronic means).

Date: 04/28/2022

Ann Marie Donio (handwritten signature)

Judge's signature

City and state: District of New Jersey

Hon. Ann Marie Donio, U.S. Magistrate Judge

Printed name and title

CONTENTS APPROVED
UNITED STATES ATTORNEY

By: /s/Jeffrey B. Bender
Jeffrey B. Bender, Assistant U.S. Attorney

Date: April 28, 2022

ATTACHMENT A

COUNT ONE

(Conspiracy to Distribute Controlled Substances)

From on or about April 27, 2020, and continuing through on or about December 20, 2021, in Camden County, in the District of New Jersey, and elsewhere, the defendant,

ROBERT K. TAFFET,

knowingly and intentionally conspired and agreed with Individual 1 and others to distribute and dispense, outside the usual course of professional practice and not for a legitimate medical purpose, mixtures and substances containing detectable amounts of Schedule II through Schedule IV controlled substances, contrary to Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

In violation of Title 21, United States Code, Section 846.

ATTACHMENT B

I, Richard P. Fulham, am a Task Force Officer (“TFO”) with the U.S. Drug Enforcement Administration (“DEA”). I am fully familiar with the facts set forth herein based on my own investigation, my conversations with other law enforcement officers, and my review of reports, documents, photographs, and recordings of the evidence. Where statements of others are related herein, they are related in substance and part. Because this criminal complaint is being submitted for a limited purpose, I have not set forth each and every fact that I know concerning this investigation. Where I assert that an event took place on a particular date and time, I am asserting that it took place on or about the date and time alleged.

INTRODUCTION AND OFFICER BACKGROUND

1. I have been a TFO with the DEA since September 2016. I have been a police officer with the Middletown Township New Jersey Police Department since 2009. I was assigned to the Middletown Township Anti-Crime Unit prior to my assignment with the DEA.

2. I submit this affidavit in support of a criminal complaint alleging that Robert K. Taffet (“TAFFET”) conspired and agreed with Individual 1 and others to unlawfully distribute controlled substances, in violation of Title 21, United States Code, Section 846 (“Complaint”), and for the issuance of an arrest warrant.

BACKGROUND ON CONTROLLED SUBSTANCES AND APPLICABLE REGULATIONS

3. Unless otherwise indicated, at all times relevant to the Complaint, the Controlled Substances Act (“CSA”), codified in Title 21 of the United States Code, and its promulgating regulations, classified drugs into five schedules depending on a drug’s acceptable medical use and its potential for abuse and dependency. Schedule I controlled substances, such as heroin, did not have an acceptable medical use, while Schedule II through Schedule V controlled substances did. Schedule II controlled substances, such as oxycodone, morphine, and methadone, and branded drugs containing the same had a high potential for abuse, and abuse of such a drug or other substance could lead to severe psychological or physical dependence. The CSA authorized Schedule II through Schedule V controlled substances to be dispensed to individuals by a valid prescription.

4. Chapter 21, Code of Federal Regulations, Section 1306.04 governed the issuance of prescriptions and provided, among other things, that a prescription for a controlled substance “must be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his

professional practice.” Chapter 21, Code of Federal Regulations, Section 1306.04, further provided that “[a]n order purporting to be a prescription issued not in the usual course of professional treatment . . . is not a prescription within the meaning and intent of [the CSA] and the person knowingly filling such a purported prescription, as well as the person issuing it, shall be subject to the penalties provided for violations of the provisions of law relating to controlled substances.”

5. The New Jersey Administrative Code established additional limitations for prescribing, administering, and dispensing controlled substances (described as “controlled dangerous substances” under state regulations). For example, long-term opioid prescriptions for chronic pain were subject to the following regulation:

When controlled dangerous substances are continuously prescribed for management of chronic pain, the practitioner shall:

[. . .]

Assess the patient prior to issuing each prescription to determine whether the patient is experiencing problems associated with physical and psychological dependence, and document the results of that assessment[.]

N.J. Admin. Code § 13:35-7.6(f)(2).

6. The New Jersey Board of Medical Examiners required providers licensed by the board to maintain “treatment records” and “records relating to billings made to patients and third-party carriers for professional services” that “accurately reflect the treatment or services rendered.” N.J. Admin. Code § 13:35-6.5(b).

PROBABLE CAUSE

7. TAFFET, a New Jersey resident, was a medical doctor who operated a medical practice in Sicklerville, New Jersey, between at least April 27, 2020, and on or about December 20, 2021. According to New Jersey Division of Consumer Affairs records, TAFFET was issued a medical license by the State of New Jersey on March 19, 1993. TAFFET maintained an active DEA registration between at least on or about April 27, 2020, and on or about December 20, 2021, which authorized him to prescribe controlled substances within the bounds of the CSA and its implementing regulations. TAFFET was not registered with the DEA to prescribe controlled substances for the treatment of narcotic addiction under the Drug Addiction Treatment Act of 2000.

8. Individual 1, a Pennsylvania resident, was a registered nurse who

acted as TAFFET's medical assistant at TAFFET's practice in Sicklerville, New Jersey, between at least on or about April 27, 2020, and on or about December 20, 2021. According to Pennsylvania Department of State records, Individual 1 was issued a nursing license on April 12, 2012. Individual 1 did not hold a DEA registration and was not authorized to prescribe controlled substances.

Parking Lot Surveillance

9. On April 20, 2020, Individual 1 sent a text message to several of TAFFET's patients advising them, in substance, to "remember to follow the Doctor's COVID-19 Appt Protocol" and to "remain in your car," "text to let me know you have arrived," and "we will come down to meet w/ you."

10. On April 27, 2020, May 4, 2020, May 11, 2020, May 18, 2020, and August 10, 2020, (collectively referred to as the "Surveilled Dates") law enforcement surveilled the parking lot of TAFFET's practice in Sicklerville, New Jersey. On several occasions, law enforcement observed Individual 1 leaving the medical complex where TAFFET's office was located, walking to parked vehicles where patients waited, and handing written prescriptions (or envelopes believed to contain them) to patients. On several occasions, patients could be seen handing Individual 1 cash in apparent exchange for the prescriptions or envelopes.

11. The available evidence indicates TAFFET did not interact with or assess a large number of chronic pain patients to whom he issued, or caused to be issued, prescriptions for controlled substances on the Surveilled Dates. For example, TAFFET was only observed interacting with a few patients in the parking lot on the Surveilled Dates. Additionally, TAFFET did not perform telemedicine, as he admitted, further detailed below.

12. New Jersey Prescription Monitoring Program ("PMP") information indicates TAFFET issued prescriptions for controlled substances to approximately 60 patients on the Surveilled Dates, including prescriptions for the following Schedule II controlled substances: oxycodone hydrochloride, morphine sulfate, and methadone hydrochloride. PMP information also indicates approximately 53 of these patients (88.33%) received an opioid prescription (or multiple prescriptions) with a combined dosage two or more times greater than the maximum dosage recommended by U.S. Centers for Disease Control ("CDC") guidelines on one of these days.¹

13. Not every patient who received a prescription from TAFFET on the Surveilled Dates was observed in the parking lot outside TAFFET's practice or receiving a prescription (or envelope) from Individual 1. Based on the

¹ On February 10, 2022, the CDC made available for public comment a draft updated Clinical Practice Guideline for Prescribing Opioids. The CDC is expected to issue the final clinical practice guideline by the end of 2022.

investigation to date, it appears that patients picked up prescriptions for other patients. The available evidence also suggests some patients used vehicles registered to other persons and/or entered the medical complex where TAFFET's practice is located unnoticed by law enforcement.

14. In total, PMP information indicates that between April 27, 2020 and December 20, 2021, TAFFET issued prescriptions that resulted in over 179,000 pills containing oxycodone hydrochloride, morphine sulfate, and methadone hydrochloride being dispensed by New Jersey pharmacies.

Witness Interviews

15. In April 2021, law enforcement interviewed a patient of TAFFET's, hereinafter referred to as "Patient A," who provided information about TAFFET's medical practice. According to Patient A, TAFFET charged \$280 per visit, and Patient A paid TAFFET in cash. Patient A reported that, since the start of the COVID-19 public health emergency, patients were told to stay in their cars when they arrived for their appointments and wait to be called into TAFFET's office by his receptionist. Patient A claimed that Patient A always saw TAFFET in person prior to receiving a prescription. Patient A told law enforcement that some of TAFFET's patients appeared to be addicts rather than legitimate pain patients and that the addicts "ruin it for everyone else." PMP information indicates TAFFET prescribed Patient A oxycodone, a Schedule II controlled substance, and alprazolam, a Schedule IV controlled substance, during the duration of the alleged conspiracy.

16. In August 2021, law enforcement telephonically interviewed another patient of TAFFET's, hereinafter referred to as "Patient B." Patient B was in a drug rehabilitation facility at the time of the interview. Law enforcement informed Patient B that they did not intend to use the information Patient B provided against him. Patient B stated that TAFFET reviewed his medical records at his initial appointment. According to Patient B, TAFFET did not perform a physical examination and declined to see Patient B's scars when he offered to show them to TAFFET. After this initial visit, Patient B stated that he would text TAFFET's receptionist when he arrived at TAFFET's office. Patient B reported that he would wait in the parking lot for the receptionist to bring his prescriptions. Patient B also stated that he told TAFFET the drug and dosage that Patient B wanted, and TAFFET would prescribe it. Patient B stated that he had to pay TAFFET \$250 in cash per visit, even though Patient B had insurance. Patient B stated that he and his late spouse (who was also a patient of TAFFET's) received excessive prescriptions from TAFFET. Patient B also reported that "everyone was selling" their prescriptions from TAFFET, and that patients did this to pay for their visits. In April 2021, according to Patient B, TAFFET confided in him that he (i.e., TAFFET) was being investigated by the DEA.²

² TAFFET was, in fact, under investigation by the DEA at this time. Agents

According to Patient B, TAFFET started conducting drug screenings and lowering patients' dosages as a result. PMP information indicates TAFFET prescribed Patient B oxycodone and morphine sulfate, both Schedule II controlled substances, and zolpidem, a Schedule IV controlled substance, during the duration of the alleged conspiracy.

Video Recordings

17. Between September 2021 and November 2021, TAFFET and Individual 1 were video recorded on several occasions by a confidential human source within TAFFET's medical practice. The video recordings show TAFFET and Individual 1 writing out prescriptions prior to and without interacting with any patients.

Patient Files

18. On December 20, 2021, law enforcement executed a search of TAFFET's medical practice and seized TAFFET's patient files pursuant to a search warrant that was authorized by the Honorable Sharon A. King, U.S.M.J.

19. Many of TAFFET's patient files did not include "exam findings" or stated "no changes" for patients who received prescriptions from TAFFET on the Surveilled Dates.

20. Some of the patient files contained false information to make it appear as though TAFFET examined patients when he, in fact, did not. For example, law enforcement examined the patient file of a patient, hereinafter referred to as "Patient C." Patient C's patient file indicates TAFFET issued him prescriptions for oxycodone, a Schedule II controlled substance, on the following dates: August 16, 2021; September 13, 2021; October 11, 2021; November 8, 2021; and December 6, 2021. Each prescription was dispensed at a pharmacy in Jackson, New Jersey according to records obtained from that pharmacy and PMP information. Records obtained from the Monmouth County Sheriff's Office Correctional Division indicate Patient C was incarcerated from July 2021 continuing through December 7, 2021. Patient C's patient file contains progress notes with "exam findings" falsely suggesting TAFFET interacted with Patient C on the days TAFFET wrote a prescription for Patient C and Patient C was incarcerated. For example, on August 16, 2021, the patient file has "exam findings" in TAFFET's handwriting stating "No [changes]. Pain control ok." On December 6, 2021, TAFFET's exam findings say "[D]oing well" and "Pain control improved. No [changes]." When interviewed by law enforcement on December 20, 2021, TAFFET initially stated that he provided Patient C with his prescriptions the prior month. After agents informed TAFFET that Patient C had been incarcerated for approximately the last six months, TAFFET admitted that

believe the investigation was disclosed to TAFFET by a patient who was interviewed by law enforcement.

Patient C’s prescriptions were provided to Patient C’s sibling, another patient of TAFFET’s.

Text Messages

21. On December 20, 2021, law enforcement also seized Individual 1’s cellular phone pursuant to a search warrant authorized by the Honorable Sharon A. King, U.S.MJ. Text messages retrieved from Individual 1’s phone show TAFFET and Individual 1 extensively discussed mailing prescriptions to patients. The text messages also show Individual 1 coordinated mailing prescriptions to patients and indicate that TAFFET and Individual 1 mailed prescriptions after payment was received. Individual 1’s text messages with TAFFET also indicate TAFFET and Individual 1 had a general policy of waiting until payment was received prior to mailing prescriptions. For example, on May 19, 2020, Individual 1 sent TAFFET’s home address to a patient, hereinafter referred to as “Patient D,” with the following instructions: “Send a money order in the amt of \$280. . . . [A]long with your payment, also include . . . a SELF-ADDRESSED, STAMPED envelope, inside of the envelope w/your payment.” PMP information indicates TAFFET prescribed Patient D oxycodone, a Schedule II controlled substance, during the duration of the alleged conspiracy.

22. Similarly, on October 8, 2021, Individual 1 and TAFFET had the below exchange concerning Patient D’s prescription and that of two other patients. The names and apparent nickname Individual 1 used for these patients have been redacted.

From	To	Message
Individual 1	TAFFET	[REDACTED] & [REDACTED] text me this afternoon that they were at the post office and included one money order and one return envelope for both to be returned in and are asking that they be notified when their mail is sent back out. If they didn’t send it overnight, it won’t be received until Monday. Dummies.
TAFFET	Individual 1	Yup. Stupid.
Individual 1	TAFFET	I let [REDACTED] know the earliest it will go out is Monday, if she overnighted it today, bc it’s crazy if she thinks you’re going to wait for your post man to arrive tomorrow, then rush to the post office. Think we need to charge for mailing bc it’s time & an inconvenience.

From	To	Message
TAFFET	Individual 1	Agree.
Individual 1	TAFFET	████ sent payment out to you Tuesday, also.
TAFFET	Individual 1	Ok

23. Patient D’s patient file corroborated this information. For example, on October 11, 2021—three days after the above text message exchange—TAFFET’s “exam findings” in Patient D’s patient file stated Patient D was “[u]nable to get off from work. Mailed.” A carbon copy of a prescription for oxycodone dated October 11, 2021, was contained in Patient D’s patient file. The prescription appeared to be entirely written by Individual 1 and initialed and signed by TAFFET.

24. The patient files indicated this practice started before the start of the COVID-19 public health emergency and accelerated thereafter. One patient, hereinafter referred to as “Patient E,” lived in Arizona and received prescriptions by mail from TAFFET as early as March 2019. A note in Patient E’s patient file dated December 10, 2018, indicated Patient E is “relocating to Arizona.” A letter from Patient E’s mother dated August 15, 2019, stated, “Enclosed is a check for \$200.00 for [Patient E] for her scripts,” and requested TAFFET return a form “along with [Patient E’s] Scripts.” Carbon copies of prescriptions dated August 20, 2019, for drugs containing oxycodone and morphine are contained in Patient E’s patient file. PMP information indicates TAFFET prescribed Patient E oxycodone and morphine sulfate, both Schedule II controlled substances, and carisoprodol, a Schedule IV controlled substance, during the duration of the alleged conspiracy.

25. On December 20, 2021, DEA and Federal Bureau of Investigation (“FBI”) agents interviewed TAFFET while a search of his practice was being executed. TAFFET admitted that he does not practice telemedicine or have a telemedicine platform. He also indicated he does not accept insurance and charges \$500 for an initial visit and \$280 for subsequent visits. TAFFET acknowledged that he had mailed prescriptions to patients.

26. On December 20, 2021, FBI and DEA agents also interviewed Individual 1. Individual 1 stated that Individual 1 communicated with patients who had appointments to see TAFFET and prepared prescriptions to be signed by TAFFET. Individual 1 acknowledged that TAFFET did not examine patients during every visit. Individual 1 stated that when Individual 1 first started working with TAFFET, he filled out the prescriptions and signed them. At some point, Individual 1 started filling out the prescriptions to expedite the process, and TAFFET initialed each line and signed the prescription. Individual 1 also admitted that there were occasions when Individual 1 and TAFFET mailed prescriptions to patients.

CONCLUSION

27. In sum, the available evidence indicated most of TAFFET's patients at his Sicklerville, New Jersey practice were "continuously prescribed" Schedule II controlled substances, including opioids like oxycodone and morphine, for the "management of chronic pain." N.J. Admin. Code § 13:35-7.6(f)(2). As such, TAFFET was required to, *inter alia*, "[a]ssess" these patients "prior to issuing each prescription to determine whether [they were] experiencing problems associated with physical and psychological dependence" *Id.*, § 13:35-7.6(f)(2). As described above, TAFFET and Individual 1 issued prescriptions to many of these patients without assessing them by, among other things: (1) instructing patients to remain in their cars outside the medical office for their appointments, (2) delivering written prescriptions to patients, or third-parties designated by the patients, without examining or assessing the patient, (3) mailing prescriptions for controlled substances to patients, or third-parties designated by the patients, without examining or assessing the patients, and (4) failing to perform legitimate telemedicine with patients.

28. Based on my knowledge, training, and experience, and the information set forth above, there is probable cause to believe TAFFET and Individual 1 conspired and agreed with each other and others to distribute and dispense, outside the usual course of professional practice and not for a legitimate medical purpose, mixtures and substances containing detectable amounts of Schedule II through Schedule IV controlled substances, contrary to Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C), in violation of Title 21, United States Code, Section 846.

Respectfully submitted,



Richard P. Fulham, Task Force Officer
Drug Enforcement Administration

Pursuant to Federal Rule of Criminal Procedure 4.1, Task Force Officer Richard P. Fulham was sworn and attested to the contents of this affidavit in support of the criminal complaint.



Hon. Ann Marie Donio
United States Magistrate Judge

Date: April 28, 2022