

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Holding a Criminal Term

Grand Jury Sworn in on March 16, 2023

UNITED STATES OF AMERICA	:	CRIMINAL NO.
	:	
v.	:	VIOLATIONS:
	:	
NDUBUISI JOSEPH OKAFOR, M.D.,	:	21 U.S.C. §§ 841(a)(1) and (b)(1)(C)
	:	(Distribution of Controlled Substances
Defendant.	:	Outside of the Legitimate Practice of
	:	Medicine)
	:	
	:	FORFEITURE:
	:	21 U.S.C. § 853(a)

INDICTMENT

The Grand Jury Charges that:

Case: 1:23-cr-00116
Assigned to: Judge Bates, John D.
Assign Date: 4/6/2023
Description: INDICTMENT (B)

GENERAL ALLEGATIONS

1. At all times relevant to the Indictment, Defendant Ndubuisi Joseph Okafor, an internal medicine physician, was licensed by the District of Columbia Board of Medicine, under license number MD19779, to practice medicine in the District of Columbia.
2. As part of his practice, Ndubuisi Joseph Okafor prescribed controlled substances, including highly addictive opioids, under his U.S. Drug Enforcement Administration (“DEA”) registration number FO4353188.
3. Ndubuisi Joseph Okafor routinely prescribed various Schedule II controlled substances to his patients and other individuals, outside the usual course of professional practice, without a legitimate medical purpose.

BACKGROUND ON CONTROLLED SUBSTANCES

4. At all times relevant to this indictment, the Controlled Substances Act (“CSA”) governed the manufacture, distribution, and dispensing of controlled substances in the United States. Under the CSA, the DEA regulated certain pharmaceutical drugs designated as “controlled substances” because of their potential for abuse or dependence, their accepted medical use, and their accepted safety for use under medical supervision. *See* 21 U.S.C. § 802(6).

5. The DEA issued registration numbers to qualifying practitioners, including physicians, which permitted them to dispense Schedule II, III, IV, and V controlled substances consistent with the terms of that registration. 21 U.S.C. § 822.

6. Oxycodone and oxycodone acetaminophen are Schedule II controlled substances.

7. Under the CSA, it was unlawful to distribute or dispense a controlled substance, unless otherwise authorized by law. 21 U.S.C. § 841(a)(1). Except in limited circumstances, Schedule II controlled substances could not be dispensed without a written prescription. 21 U.S.C. § 829. “A prescription for a controlled substance to be effective must [have] be[en] issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice.” 21 C.F.R. § 1306.04. “The responsibility for the proper prescribing and dispensing of controlled substances is upon the practicing prescriber” *Id.* “An order purporting to be a prescription issued not in the usual course of professional treatment ... [was] not a prescription within the meaning and intent of [S]ection [] 829 ...”. *Id.*

COUNTS ONE - SIXTEEN

The general allegations in paragraphs one through seven of this Indictment are incorporated herein by reference.

On or about the dates listed below, in the District of Columbia and elsewhere, the defendant, **NDUBUISI JOSEPH OKAFOR, M.D.**, did knowingly and intentionally distribute and dispense controlled substances, pursuant to purported prescriptions that were not issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice, to the individuals identified below, each in violation Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C), as set forth below:

Count	Approximate Date Prescription Written	Controlled Substances Distributed To	Schedule II Controlled Substance Distributed	Approximate Number of Pills Distributed	Distributed in Exchange for Cash Amount
1	July 12, 2022	CS	Oxycodone Acetaminophen	60 pills	\$250
2	July 21, 2022	CS	Oxycodone Acetaminophen	60 pills	\$200
3	July 29, 2022	CS	Oxycodone Acetaminophen	60 pills	\$200
4	August 18, 2022	CS	Oxycodone Acetaminophen	60 pills	\$180
5	September 15, 2022	CS	Oxycodone Acetaminophen	60 pills	\$200
6	October 18, 2022	CS	Oxycodone Acetaminophen	60 pills	\$200
7	October 31, 2022	CS	Oxycodone Acetaminophen	60 pills	\$200
8	March 22, 2022	UC 1	Oxycodone Acetaminophen	45 pills	\$250
9	April 4, 2022	UC 1	Oxycodone Acetaminophen	45 pills	\$250
10	April 12, 2022	UC 1	Oxycodone Acetaminophen	60 pills	\$250
11	June 6, 2022	UC 1	Oxycodone Acetaminophen	60 pills	\$250

Count	Approximate Date Prescription Written	Controlled Substances Distributed To	Schedule II Controlled Substance Distributed	Approximate Number of Pills Distributed	Distributed in Exchange for Cash Amount
12	November 1, 2022	UC 2	Oxycodone	45 pills	\$240
13	November 14, 2022	UC 2	Oxycodone	60 pills	\$250
14	November 30, 2022	UC 2	Oxycodone	60 pills	\$200
15	November 14, 2022	UC 3	Oxycodone	60 pills	\$250
16	November 30, 2022	UC 3	Oxycodone	60 pills	\$200

(Distribution of a Controlled Substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C))

FORFEITURE ALLEGATIONS

The allegations contained in Counts One through Sixteen of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 21, United States Code, Section 853(a).

Pursuant to Title 21, United States Code, Section 853(a), upon conviction of an offense alleged in this Indictment, the defendant, **NDUBUISI JOSEPH OKAFOR, M.D.**, shall forfeit to the United States of America any property constituting, or derived from, any proceeds she obtained, directly or indirectly, as the result of the violations of Title 21, United States Code, Section 841(a)(1) and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violations, including, but is not limited to: any DEA registration(s) for **NDUBUISI JOSEPH OKAFOR, M.D.**

If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant: (a) cannot be located upon the exercise of due diligence; (b) has been transferred or sold to, or deposited with, a third party; (c) has been placed beyond the

jurisdiction of the Court; (d) has been substantially diminished in value; or (e) has been commingled with other property that cannot be subdivided without difficulty; it is the intent of the United States to seek the forfeiture of any other property in which the defendant has an interest, up to the value of the property and proceeds described above.

(Criminal Forfeiture, pursuant to Title 21, United States Code, Section 853(a))

A TRUE BILL:

FOREPERSON.

Matthew M. Graves

Attorney of the United States in
and for the District of Columbia.

Glenn S. Leon

Glenn S. Leon
Chief, Fraud Section
Criminal Division
United States Department of Justice