

Eastern District of Kentucky

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
NORTHERN DIVISION
COVINGTON

FILED

AUG 04 2022

AT LEXINGTON
ROBERT R. CARR
CLERK U.S. DISTRICT COURT

UNITED STATES OF AMERICA

V. **SECOND SUPERSEDING INDICTMENT NO. 21-CR-00063-DLB**

**KENDALL HANSEN, M.D., and
MICHAEL FLETCHER, M.D.**

* * * * *

THE GRAND JURY CHARGES:

At all times material to this Superseding Indictment:

1. **KENDALL HANSEN** and **MICHAEL FLETCHER** were physicians practicing in or around Crestview Hills, Kentucky. They were licensed to practice medicine in Kentucky and permitted by the United States Drug Enforcement Administration (“DEA”) to prescribe controlled substances.

2. Interventional Pain Specialists, PLC (“IPS”) was a Kentucky Limited Liability Company that was owned in part by **HANSEN** and located in Crestview Hills, Kentucky.

3. **FLETCHER** was an IPS employee.

BACKGROUND ON CONTROLLED SUBSTANCES

4. The Controlled Substances Act (“CSA”) governed the manufacture, distribution, and dispensing of controlled substances in the United States.

5. 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).

6. 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.

7. “A prescription for a controlled substance to be effective must be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice. The responsibility for the proper prescribing and dispensing of controlled substances is upon the prescribing practitioner” 21 C.F.R. § 1306.04(a).

COUNT 1

**Conspiracy to Distribute Controlled Substances to IPS Patients
(21 U.S.C. § 846)**

8. Paragraphs 1 through 7 of this Superseding Indictment are realleged and incorporated by reference as though fully set forth herein.

9. **HANSEN, FLETCHER**, and others known and unknown to the Grand Jury prescribed opioids in high doses and in dangerous combinations with other medications.

10. IPS patients died of opioid overdoses after receiving controlled substance prescriptions written by **HANSEN, FLETCHER**, and other prescribers and under circumstances in which **HANSEN, FLETCHER**, and/or other doctors’ prescribing contributed to these patients’ overdose deaths.

11. **HANSEN** and **FLETCHER** knew about or should have known about IPS patient deaths. Nonetheless, **HANSEN** and **FLETCHER** ignored this and other evidence of their and other IPS doctors’ dangerous prescribing and continued with the same

prescribing practices in part because it allowed them and other IPS doctors to submit claims for reimbursement to health care benefit programs for services or procedures performed on IPS patients.

12. From in or around June 2011, and continuing through in or around February 2019, in Kenton County, in the Eastern District of Kentucky, and elsewhere,

KENDALL HANSEN, M.D.,
and
MICHAEL FLETCHER, M.D.,

did knowingly and intentionally conspire and agree with others, known and unknown to the Grand Jury, to knowingly and intentionally distribute and dispense controlled substances pursuant to prescriptions that were not issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice quantities of controlled substances, including Schedule II controlled substances, in violation of 21 U.S.C. § 841(a)(1), all in violation of 21 U.S.C. § 846.

COUNTS 2-8
Distribution of a Controlled Substance
(21 U.S.C. § 841(a)(1))

13. Paragraphs 1 through 7 of this Superseding Indictment are realleged and incorporated by reference as though fully set forth herein.

14. On or about the dates listed below, in Kenton County, in the Eastern District of Kentucky, and elsewhere,

KENDALL HANSEN, M.D.,
and
MICHAEL FLETCHER, M.D.,

did knowingly and intentionally distribute and dispense controlled substances pursuant to

prescriptions that were not issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice, as set forth below:

Count	Defendant	Approximate Date Prescription Written	Substances Distributed To	Substance Name	Qty.
2	FLETCHER	June 6, 2016	CH	Oxycodone Hydrochloride	20
3	FLETCHER	June 30, 2016	CH	Oxycodone Hydrochloride	20
4	FLETCHER	August 8, 2016	SK	Oxycodone Hydrochloride	84
5	HANSEN	January 9, 2018	LL	Oxycodone Hydrochloride	87
6	HANSEN	February 5, 2018	JB	Fentanyl Duragesic Patch (25 mcg/hr.)	10
7	HANSEN	February 5, 2018	JB	Fentanyl Duragesic Patch (100 mcg/hr.)	10
8	HANSEN	March 13, 2018	MR	Hydrocodone/Acetaminophen	116

Each of the above in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2.

COUNT 9

**Conspiracy to Distribute Controlled Substances Through IPS Employees
(21 U.S.C. § 846)**

15. Paragraphs 1 through 7 of this Superseding Indictment are realleged and incorporated by reference as though fully set forth herein.

16. **HANSEN** also concealed his diversion of controlled substances at the same time he was prescribing controlled substances to IPS patients. In particular, **HANSEN** wrote prescriptions in the name of IPS employees and instructed these IPS employees, including IPS Employees 1 and 2, to fill the prescriptions and deliver the controlled substances that the employees obtained from these prescriptions to **HANSEN**.

17. From in or around December 2010, and continuing through in or around March 2018, in Kenton County, in the Eastern District of Kentucky, and elsewhere,

KENDALL HANSEN, M.D.,

did knowingly and intentionally conspire and agree with others, known and unknown to the Grand Jury, to knowingly and intentionally distribute and dispense controlled substances pursuant to prescriptions that were not issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice quantities of controlled substances, including Schedule II and IV controlled substances, in violation of 21 U.S.C. § 841(a)(1), all in violation of 21 U.S.C. § 846.

COUNTS 10-11
Distribution of a Controlled Substance to IPS Employees
(21 U.S.C. § 841(a)(1))

18. Paragraphs 1 through 7 and 16 of this Superseding Indictment are realleged and incorporated by reference as though fully set forth herein.

19. On or about the dates listed below, in Kenton County, in the Eastern District of Kentucky, and elsewhere,

KENDALL HANSEN, M.D.,

did knowingly and intentionally distribute and dispense controlled substances pursuant to prescriptions that were not issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his or her professional practice, as set forth below:

Count	Approximate Date Prescription Written	Substances Distributed To	Substance Name	Qty.
10	November 21, 2016	Employee 2	Tramadol	480
11	March 13, 2018	Employee 2	Phentermine Hcl 37.5MG	30

Each of the above in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2.

FORFEITURE ALLEGATIONS

1. Upon conviction of the offenses charged in Counts 1-11 of this Superseding Indictment, as applicable, **KENDALL HANSEN** and **MICHAEL FLETCHER** shall forfeit to the United States of America, pursuant to 21 U.S.C. § 853(a), any property constituting, or derived from, any proceeds they obtained, directly or indirectly, as the result of the aforesaid violations of 21 U.S.C. §§ 841(a)(1) and 846 and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violations.

2. The property to be forfeited includes, but is not limited to, the following:

- a. **KENDALL HANSEN** and **MICHAEL FLETCHER**'s medical license(s) and any rights and privileges associated with those license(s);
- b. any DEA registration(s) for **KENDALL HANSEN** and **MICHAEL FLETCHER**; and
- c. a forfeiture money judgment in the amount of the gross proceeds obtained by the Defendants as a result of the aforesaid violations.

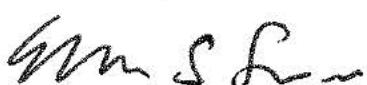
3. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant:

- 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.

A TRUE BILL

 **FOREPERSON** 


CARLTON S. SHIER, IV
UNITED STATES ATTORNEY


LORINDA LARYEA
ACTING CHIEF, FRAUD SECTION
U.S. DEPARTMENT OF JUSTICE

PENALTIES

COUNTS 1-11: Schedule II controlled substance:
Not more than 20 years imprisonment, a fine of not more than \$1,000,000, and supervised release of at least 3 years

If prior felony drug conviction: Not more than 30 years imprisonment, a \$2,000,000 fine, and at least 6 years supervised release.

Schedule IV controlled substance:
Not more than 5 years, a fine not to exceed \$250,000, and at least 1 year supervised release.

If prior felony drug conviction: Not more than 10 years imprisonment, a \$500,000 fine, and at least 2 years supervised release.

PLUS: Mandatory special assessment of \$100 per count.

PLUS: Restitution, if applicable.

PLUS: Forfeiture as listed.