

OCT 14 2021

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

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
NORTHERN DIVISION
COVINGTON**

UNITED STATES OF AMERICA

v.

INDICTMENT NO. 21-56-DLB-CJS

DAVID W. SUETHOLZ, M.D.

* * * * *

THE GRAND JURY CHARGES:

At all times material to this Indictment:

1. **DAVID W. SUETHOLZ, M.D.**, was a physician practicing in or around Crescent Springs and Fort Wright, Kentucky. He was licensed to practice medicine in Kentucky and permitted by the United States Drug Enforcement Administration (“DEA”) to prescribe controlled substances.

2. From approximately June 1991 to June 2021, **DAVID W. SUETHOLZ, M.D.**, was the elected Kenton County Coroner in Kenton County, Kentucky.

BACKGROUND ON CONTROLLED SUBSTANCES

3. 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).

4. 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.

5. “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).

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

6. Paragraphs 1 through 5 of this Indictment are realleged and incorporated by reference as though fully set forth herein.

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

DAVID W. SUETHOLZ, 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	Approximate Date Prescription Written	Substances Distributed To	Substance Name	Quantity
1	September 22, 2018	D.W.	Oxycodone Acetaminophen	30 pills
2	October 20, 2018	D.W.	Oxycodone Acetaminophen	30 pills

Count	Approximate Date Prescription Written	Substances Distributed To	Substance Name	Quantity
3	November 17, 2018	D.W.	Oxycodone Acetaminophen	30 pills
4	September 22, 2019	D.W.	Fentanyl	10 patches
5	March 28, 2019	W.Y.	Oxycontin	90 pills
6	June 19, 2019	W.Y.	Oxycontin	90 pills
7	August 15, 2019	W.Y.	Oxycontin	90 pills
8	December 26, 2019	A.C.	Oxycodone Acetaminophen	120 pills
9	January 28, 2020	A.C.	Oxycodone Acetaminophen	120 pills
10	February 25, 2020	A.C.	Oxycodone Acetaminophen	120 pills

Each of the above in violation Title 21, United States Code, Section 841(a)(1).

FORFEITURE ALLEGATIONS

1. Upon conviction of the offenses in this Indictment, **DAVID W. SUETHOLZ, M.D.**, 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 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. any property, real or personal, that constitutes or is derived, directly or indirectly, as the result of such violation;
- b. any DEA registration(s) for **DAVID W. SUETHOLZ, M.D.**; and

- c. any of the defendant's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation.

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



CARLTON S. SHIER, IV
ACTING UNITED STATES ATTORNEY



JOSEPH S. BEEMSTERBOER
ACTING CHIEF, FRAUD SECTION
U.S. DEPARTMENT OF JUSTICE

PENALTIES

COUNTS 1-10:

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.

PLUS:

Mandatory special assessment of \$100 per count.

PLUS:

Restitution, if applicable.

PLUS:

Forfeiture as listed.