

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO. _____
v.	:	DATE FILED: _____
CYNTHIA MASSO. M.D	:	VIOLATION:
	:	21 U.S.C. § 843(a)(3) (obtaining controlled substances by fraud – 5 counts)

INFORMATION

COUNTS ONE THROUGH FIVE

THE UNITED STATES ATTORNEY CHARGES THAT:

At all times material to the information:

1. Defendant CYNTHIA MASSO was a physician licensed in the Commonwealth of Pennsylvania and the State of New Jersey to practice medicine and was registered and authorized by the U.S. Drug Enforcement Administration (DEA) to write prescriptions for controlled substances for legitimate medical purposes within the scope of her professional medical practice.

2. CVS Caremark (“CVS”) was a DEA-registered pharmacy and operated store/pharmacy locations throughout the Eastern District of Pennsylvania and New Jersey.

3. Rite Aid (“Rite Aid”) was a DEA-registered pharmacy and operated store/pharmacy locations throughout the Eastern District of Pennsylvania and New Jersey.

4. Pursuant to Title 21, United States Code, Section 811, controlled substance pharmaceutical drugs were classified into certain schedules (Schedules I-IV) based in part, among other factors, on an evaluation of the drug’s (a) potential for abuse, (b) history and patterns of abuse, (c) scope, duration and significance of abuse, (d) risk to the public health, and (e) psychic or

psychological dependence liability. The greater the risk for abuse and more significant the danger to the public, among other factors, the more likely a drug would be placed in a higher Schedule. Schedule I drugs were those with a high potential for abuse, no currently accepted medical use in the United States, and a lack of accepted safety for use under medical supervision. Schedule II drugs were the next most restricted types of drugs, in part because of their potential for abuse and addictiveness and because of the potential for danger to society.

5. Oxycodone, Oxycodone with Acetaminophen, and Oxycodone APAP were Schedule II controlled substances and required a valid prescription that was written by a healthcare provider, such as a licensed physician, authorized by law to write such prescriptions.

6. Oxycodone is a narcotic analgesic that is similar to morphine frequently prescribed under the brand names Oxycontin, Percocet and Endocet. Oxycodone is used to treat severe pain, and, even if taken only in prescribed amounts, can cause physical and psychological dependence when taken for a long time. Oxycodone is used in pain relief drugs in varying strengths, including in 10 milligram strength and other higher strengths. Oxycodone sometimes is combined with acetaminophen and marketed as Percocet or Endocet. For example, Percocet and Endocet contain 5 or 10 milligrams of Oxycodone along with 325 milligrams of acetaminophen, both of which are used to treat moderate to moderately severe pain. Even if taken only in prescribed amounts, Percocet and Endocet in these dosages can cause physical and psychological dependence when taken for a long time.

7. A prescription for such a controlled substance was required to be written in ink or indelible pencil or typewritten and must be manually signed by the practitioner on the date when issued.

8. From at least on or about January 2, 2010 until in or about October, 2013, defendant CYNTHIA MASSO wrote approximately 496 fraudulent prescriptions for oxycodone and oxycodone with acetaminophen in the names of various family members, in the name of another individual, S.O., all known to the United States Attorney, and in the names of fictitious “patients,” in order to obtain quantities of those controlled substances. In no case were any family members aware of the writing of these prescriptions in their names.

9. After writing each of the fraudulent prescriptions, defendant CYNTHIA MASSO presented the fraudulent prescriptions at a CVS or Rite Aid pharmacy in the Eastern District of Pennsylvania and New Jersey, posing as a nurse “Lisa Johns,” and obtained oxycodone and oxycodone-acetaminophen in various quantities from the respective pharmacies.

10. On or about the respective dates identified in Counts One through Five below, at a CVS pharmacy #1913, 1045 South 10th Street, Philadelphia, in the Eastern District of Pennsylvania, defendant

CYNTHIA MASSO, M.D.

knowingly and intentionally acquired and obtained possession of multiple pills as identified below, each of which contained a mixture and substance containing a detectable amount of oxycodone, a Schedule II controlled substance, by misrepresentation, fraud, forgery, deception, and subterfuge, that is, by presenting a fraudulent prescription to such pharmacy to unlawfully obtain controlled substances, with each transaction constituting a separate count:

COUNT	DATE	TYPE OF PILL	NUMBER OF PILLS	PATIENT INITIALS
1	2/5/2010	Oxycodone APAP 5-325 mg.	150	“C. F.”
2	8/24/2011	Oxycodone-Acetaminophen 5-325 mg.	150	“A. R.”

3	7/11/2012	Oxycodone-Acetaminophen 10-325 mg.	150	"A.R."
4	7/19/2013	Oxycodone-Acetaminophen 10-325 mg.	180	"K. E."
5	8/2/2013	Oxycodone-Acetaminophen 10-325 mg.	180	"M. S."

All in violation of Title 21, United States Code, Section 843(a)(3).

ZANE DAVID MEMEGER
United States Attorney