

DJF:JJT:nl

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)	CRIM. NO. 1:18-CR-216
)	
v.)	
)	(None, J.)
ROBERT L. STREMMEL,)	
)	
Defendant.)	

INDICTMENT

INTRODUCTION

FILED
HARRISBURG, PA

JUN 27 2018

Per AAA
Deputy Clerk

At all times relevant to this Indictment:

1. Defendant Robert L. Stremmel ("Stremmel") was a York, Pennsylvania, physician. He was licensed to practice medicine in the Commonwealth of Pennsylvania and had a medical office located at 1748 Sixth Avenue, York, Pennsylvania.
2. Stremmel obtained a Drug Enforcement Administration ("DEA") Registration Number which allowed him to dispense Controlled Substances.
3. Stremmel also obtained a unique billing number known as a National Provider Number. The NPI allowed Stremmel to bill private and public medical insurance entities for patient services.

APPLICABLE FEDERAL LAW

4. The Controlled Substances Act ("CSA") governed the distribution and dispensing of listed drugs, including narcotics and amphetamines that are prescribed by physicians and other licensed health care providers.

5. Licensed physicians and other health care providers can dispense Controlled Substances if they have a DEA Registration Number and comply with all DEA regulations and applicable federal laws.

6. To issue a prescription for a Controlled Substance, a physician must also be licensed by a state authority.

7. The CSA, and its implementing regulations, specifically identify the drugs that are defined as "Controlled Substances." In addition, Controlled Substances are each assigned to one of five schedules—Schedule I, II, III, IV, and V—depending on their potential for abuse, likelihood of physical and psychological dependency, accepted medical use, and accepted safety for use under medical supervision.

8. The term Schedule II means a drug that has a high potential for abuse, the drug has a currently accepted medical use with

restrictions, and abuse of the drug may lead to severe psychological and physical dependence. The abuse can lead to addiction, overdose, and death.

9. The term Schedule III means a drug that has a high potential for abuse, but less so than Schedule II drugs. These drugs have an accepted medical use with restrictions, and abuse of the drug may lead to psychological and physical dependence.

10. The term Schedule IV means a drug that has a lower risk of abuse of dependence than Schedules II and III, but abuse may still result in psychological and physical dependence. Schedule IV drugs have accepted medical uses with restrictions.

11. The responsibility for the proper prescribing and dispensing of controlled substances is upon the prescribing practitioner. 21 C.F.R. § 1306.04(a).

12. An order purporting to be a prescription that is not issued in the usual course of professional treatment or in legitimate and authorized research is not a prescription within the meaning and intent of the Controlled Substances Act. 21 C.F.R. § 1306.04(a). Thus, "[t]he 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 related to controlled substances." 21 C.F.R. § 13.06.04(a).

13. Oxycodone is the generic name for a highly addictive prescription analgesic. It is a Schedule II Controlled Substance, and is sold generically and under brand names such as OxyContin® and Percocet.

14. Amphetamines is the generic name for an addictive class of drugs that are stimulants. It is a Schedule II Controlled Substance, and it is sold generically and under brand names such as Adderall.

15. Benzodiazepines is a generic name for an addictive class of drugs that are used to treat a medical conditions such as anxiety disorders and depression. Benzodiazepines are a Schedule IV drugs and are also known by the brand names, Xanax® and Valium®.

MEDICARE BILLING REQUIREMENTS

16. In order to bill Medicare for patient services, a physician is required to obtain a National Provider Identifier ("NPI").

17. The NPI under which a bill is submitted is used by Medicare to determine whether a particular patient service will be reimbursed, and if so, for what amount.

COUNT 1

UNLAWFULLY DISTRIBUTING AND DISPENSING A
CONTROLLED SUBSTANCE
(Title 21, United States Code, Sections 841(a)(1) and 841(b)(3))

THE GRAND JURY CHARGES:

18. Paragraphs 1 through 17 are incorporated in Count 1.

19. On or about July 14, 2017, in the Middle District of Pennsylvania, the defendant,

ROBERT L. STREMMEL,

knowingly and intentionally distributed and dispensed to U.C., Xanax® and Tramadol, Schedule IV controlled substances, outside the usual course of professional practice and not for a legitimate medical purpose.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(3).

COUNT 2

UNLAWFULLY DISTRIBUTING AND DISPENSING A
CONTROLLED SUBSTANCE

(Title 21, United States Code, Sections 841(a)(1), 841(b)(2), and
841(b)(3))

THE GRAND JURY FURTHER CHARGES:

20. Paragraphs 1 through 17 of this Indictment are hereby incorporated in Count 2.

21. On or about August 15, 2017, in the Middle District of Pennsylvania, the defendant,

ROBERT L. STREMMEL,

knowingly and intentionally distributed and dispensed to U.C., Xanax[®] and Tramadol, Schedule IV controlled substances, and Phenergan[®] syrup with codeine, a Schedule V controlled substance, outside the usual course of professional practice and not for a legitimate medical purpose.

In violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(2), and 841(b)(3).

COUNTS 3 THROUGH 29UNLAWFULLY DISTRIBUTING A CONTROLLED SUBSTANCE
(Title 21, United States Code, Sections 841(a)(1) and 841(b)(2))

THE GRAND JURY FURTHER CHARGES:

22. Paragraphs 1 through 17 of this Indictment are incorporated in Counts 3 through 29.

23. From on or about July 2, 2013, to on or about January 19, 2018, in the Middle District of Pennsylvania, the defendant,

ROBERT L. STREMMEL,

knowingly and intentionally distributed and dispensed to C.L. more than 21,200 tablets of Oxycodone and Dextroamp, Schedule II controlled substances, outside the usual course of professional practice and not for a legitimate medical purpose, including on the dates and in quantities set forth below in Counts 3 through 29:

<u>COUNT</u>	<u>RX NUMBER</u>	<u>RX WRITTEN DATE</u>	<u>RX FILL DATE</u>	<u>DRUG NAME</u>	<u>QUANTITY</u>
3	2268933	7/2/2013	7/2/2013	Dextroamp-Amphetamin 30 mg. Tab	60
	2222172	7/2/2013	7/8/2013	Oxycodone- Acetaminophen 5-325	90
4	2269258	7/18/2013	7/18/2013	Oxycodone- Acetaminophen 5-325	90
	2269259	7/18/2013	7/18/2013	Dextroamp-Amphetamin 20 mg. Tab	30

<u>COUNT</u>	<u>RX NUMBER</u>	<u>RX WRITTEN DATE</u>	<u>RX FILL DATE</u>	<u>DRUG NAME</u>	<u>QUANTI- TY</u>
5	2269527	8/1/2013	8/1/2013	Dextroamp-Amphetamin 30 mg. Tab	60
	2222361	8/1/2013	8/5/2013	Oxycodone- Acetaminophen 5-325	90
6	2270021	8/26/2013	8/26/2013	Oxycodone- Acetaminophen 5-325	90
	2270020	8/26/2013	8/26/2013	Dextroamp-Amphetamin 30 mg. Tab	60
7	2270318	9/11/2013	9/11/2013	Oxycodone- Acetaminophen 5-325	90
	2270319	9/11/2013	9/11/2013	Dextroamp-Amphetamin 30 mg. Tab	30
8	2223518	1/9/2014	1/14/2014	Oxycodone- Acetaminophen 5-325	90
	2223487	1/9/2014	1/9/2014	Dextroamp-Amphetamin 30 mg. Tab	60
9	2273244	1/23/2014	1/23/2014	Dextroamp-Amphetamin 30 mg. Tab	60
	2273245	1/23/2014	1/23/2014	Oxycodone- Acetaminophen 5-325	90
10	2273719	2/6/2014	2/15/2014	Dextroamp-Amphetamin 30 mg. Tab	30
	2223701	2/6/2014	2/6/2014	Dextroamp-Amphetamin 20 mg. Tab	60
	2223702	2/6/2014	2/6/2014	Oxycodone- Acetaminophen 5-325	90
11	2273822	2/19/2014	2/19/2014	Dextroamp-Amphetamin 20 mg. Tab	60
	2273821	2/19/2014	2/19/2014	Oxycodone- Acetaminophen 5-325	90
12	2718130	3/6/2014	3/11/2014	Dextroamp-Amphetamin 20 mg. Tab	60
	2223924	3/6/2014	3/6/2014	Oxycodone- Acetaminophen 5-325	90
	2223923	3/6/2014	3/6/2014	Dextroamp-Amphetamin 20 mg. Tab	30
13	387478	1/8/2015	1/12/2015	Dextroamp-Amphetamin 20 mg. Tab	60
	1141023	1/8/2015	1/9/2015	Oxycodone- Acetaminophen 5-325	90

<u>COUNT</u>	<u>RX NUMBER</u>	<u>RX WRITTEN DATE</u>	<u>RX FILL DATE</u>	<u>DRUG NAME</u>	<u>QUANTI- TY</u>
14	2282322	1/28/2015	2/4/2015	Dextroamp-Amphetamin 20 mg. Tab	30
	2227509	1/28/2015	1/28/2015	Dextroamp-Amphetamin 20 mg. Tab	60
	2227510	1/28/2015	1/28/2015	Oxycodone- Acetaminophen 5-325	90
15	1153625	2/9/2015	2/16/2015	Dextroamp-Amphetamin 20 mg. Tab	30
	394890	2/9/2015	2/10/2015	Dextroamp-Amphetamin 20 mg. Tab	60
	2227616	2/9/2015	2/10/2015	Oxycodone- Acetaminophen 5-325	90
16	2721145	2/19/2015	2/26/2015	Dextroamp-Amphetamin 20 mg. Tab	30
	1154801	2/19/2015	2/19/2015	Dextroamp-Amphetamin 20 mg. Tab	60
	1155317	2/19/2015	2/21/2015	Oxycodone- Acetaminophen 5-325	90
17	2283051	2/26/2015	3/1/2015	Dextroamp-Amphetamin 30 mg. Tab	60
18	1269938	1/13/2016	1/17/2016	Oxycodone- Acetaminophen 5-325	90
	1268486	1/13/2016	1/13/2016	Dextroamp-Amphetamin 20 mg. Tab	90
19	2304215	1/28/2016	1/28/2016	Oxycodone- Acetaminophen 5-325	90
	2304216	1/28/2016	1/28/2016	Dextroamp-Amphetamin 20 mg. Tab	90
20	2230878	2/10/2016	2/10/2016	Dextroamp-Amphetamin 20 mg. Tab	90
	2230877	2/10/2016	2/10/2016	Oxycodone- Acetaminophen 5-325	90
21	1282871	2/20/2016	2/20/2016	Dextroamp-Amphetamin 30 mg. Tab	50
22	2231154	2/23/2016	3/9/2016	Dextroamp-Amphetamin 20 mg. Tab	90
23	8835385	1/3/2017	1/5/2017	Oxycodone Hcl 5 mg. Tablet	90
	568160	1/3/2017	1/3/2017	Dextroamp-Amphetamin 20 mg. Tab	90

<u>COUNT</u>	<u>RX NUMBER</u>	<u>RX WRITTEN DATE</u>	<u>RX FILL DATE</u>	<u>DRUG NAME</u>	<u>QUANTI- TY</u>
24	572848	1/19/2017	1/20/2017	Oxycodone Hcl 5 mg. Tablet	90
	8836671	1/19/2017	1/19/2017	Dextroamp-Amphetamin 20 mg. Tab	90
25	8837746	1/31/2017	1/31/2017	Oxycodone Hcl 5 mg. Tablet	90
	575427	1/31/2017	1/31/2017	Dextroamp-Amphetamin 20 mg. Tab	90
26	2310493	2/15/2017	2/20/2017	Oxycodone Hcl 5 mg. Tablet	90
	8839088	2/15/2017	2/15/2017	Dextroamp-Amphetamin 20 mg. Tab	90
27	8840403	3/1/2017	3/2/2017	Oxycodone Hcl 5 mg. Tablet	90
	582451	3/1/2017	3/1/2017	Dextroamp-Amphetamin 20 mg. Tab	90
28	2306171	1/5/2018	1/6/2018	Dextroamp-Amphetamin 20 mg. Tab	90
	2306170	1/5/2018	1/6/2018	Oxycodone Hcl 5 mg. Tablet	90
29	660996	1/19/2018	1/19/2018	Dextroamp-Amphetamin 20 mg. Tab	60
	2314581	1/19/2018	1/19/2018	Oxycodone Hcl 5 mg. Tablet	60

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(2).

COUNT 30

FALSE STATEMENTS RELATED TO HEALTH CARE MATTERS
(Title 18, United States Code, Section 1035(a)(1))

THE GRAND JURY FURTHER CHARGES:

24. Paragraphs 1 through 17 of this Indictment are hereby incorporated in Count 30.

25. On or about August 15, 2017, in the Middle District of Pennsylvania, the defendant,

ROBERT L. STREMMEL,

knowingly and willfully made materially false, fictitious, and fraudulent statements and representations in connection with the delivery of, and payment for health care benefits, items, and services involving a health care benefit program as defined in Title 18, United States Code, Section 24(b).

26. The defendant submitted a Medicare claim for services that defendant knew were, in fact, not within the usual course of professional practice and not for a legitimate medical purpose.

27. In particular, on August 15, 2017, defendant saw U.C. in defendant's office. U.C. reported to defendant having no pain and no cough.

28. U.C. specifically requested cough syrup with codeine because U.C. told defendant U.C. did not like to drink alcohol and she needed to take a substance to get her through the day.

29. In spite of U.C. reporting no pain and cough, defendant documented in the medical chart that U.C. reported pain and chronic cough.

30. On or about August 15, 2017, in the Middle District of Pennsylvania, the defendant,

ROBERT L. STREMMEL,

knowingly and willfully made materially false, fictitious, and fraudulent statements and representations in connection with the delivery of, and payment for, health care benefits, items, and services involving a health care benefit program as defined in Title 18, United States Code, Section 24(b), each false, fictitious, and fraudulent statement and representation a separate count, in that defendant noted in U.C.'s medical chart that U.C. had "chronic cough" and pain when defendant in fact knew this was false.

In violation of Title 18, United States Code, Section 1035.

FORFEITURE ALLEGATION

31. The allegations contained in Counts 1 through 30 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 and Title 18, United States Code, 982(a)(7).

32. Pursuant to Title 21, United States Code, Section 853, upon conviction of an offense in violation of Title 21, United States Code, Section 841 or Title 18, United States Code, Section 1035, the defendant,

ROBERT L. STREMMEL,

shall forfeit to the United States of America any property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such offenses and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offenses. The property to be forfeited includes, but is not limited to, the following:

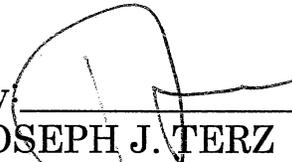
- a. Pennsylvania Medical License number OS2798L; and
- b. DEA Registration number AS4444701.

A TRUE BILL



FOREPERSON, GRAND JURY

DAVID J. FREED
UNITED STATES ATTORNEY

By: 

JOSEPH J. TERZ
ASSISTANT U.S. ATTORNEY

6/27/18
DATE