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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION

UNITED STATES OF AMERICA)
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)
HEATHER L. MARKS)

No. **2 - 19 - 00003**

21 U.S.C. § 841(a)(1)

INDICTMENT

THE GRAND JURY CHARGES:

Introduction

At all times material to this Indictment:

1. **HEATHER L. MARKS** was an Advanced Practice Registered Nurse and was licensed by the State of Tennessee Department of Health, Board of Examiners under license number 19885 on March 31, 2015.

2. As part of her practice, **HEATHER L. MARKS** prescribed controlled substances, including highly addictive opioids, with her Drug Enforcement Administration (“DEA”) license under DEA License Number MM3747562.

3. Under the Controlled Substances Act, Title 21, United States Code, Section 841(a) *et seq.*, and Title 21, Code of Federal Regulations, Section 1306.04, a prescription for a controlled substance is not legal or effective unless issued for a legitimate medical purpose by a practitioner acting in the usual course of professional practice.

4. **HEATHER L. MARKS** prescribed Schedule II controlled substances, including oxycodone and oxymorphone, to her patients outside the usual course of professional practice and without a legitimate medical purpose.

COUNTS ONE through FOUR

5. Paragraphs 1 through 4 are re-alleged and incorporated by reference as though fully set forth herein.

6. On or about the dates set forth in each count below, in the Middle District of Tennessee,

HEATHER L. MARKS

did knowingly, intentionally, and without authority, distribute and dispense a mixture and substance containing a detectable amount of oxycodone and oxymorphone, both Schedule II controlled substances, as listed below, without a legitimate medical purpose and outside the usual course of professional practice, each of which constitutes a separate count of this Indictment:

Count	Approximate Date of Distribution	Patient	Controlled Substance
1	December 22, 2016	B.C.	Oxymorphone
2	March 15, 2017	B.R.	Oxymorphone
3	November 29, 2017	J.W.	Oxycodone
4	February 21, 2018	L.H.	Oxycodone

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

FORFEITURE ALLEGATION

THE GRAND JURY FURTHER CHARGES:

7. The allegations contained in the Indictment are re-alleged and incorporated by reference as if fully set forth in support of this forfeiture allegation.

8. Upon conviction of any Count in the Indictment (Unlawful Distribution of a Controlled Substance), **HEATHER L. MARKS** shall forfeit to the United States of America, pursuant to Title 21, United States Code, Section 853(a):

(A) any property constituting, or derived from, any proceeds the defendant obtained, directly or indirectly, as a result of the offense; and

(B) 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 the offense, including but not limited to the property listed below.

SUBSTITUTE PROPERTY

9. If any of the property described above, as a result of any act or omission of **HEATHER L. MARKS**:

- 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 comingled with other property that cannot be divided without difficulty,

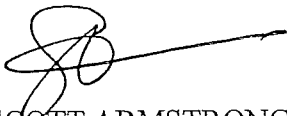
the United States shall be entitled to forfeiture of the substitute property, and it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any

other property of **HEATHER L. MARKS** up the value of said property listed above as subject to forfeiture.

A TRUE BILL


FOREPERSON

DONALD Q. COCHRAN
UNITED STATES ATTORNEY



SCOTT ARMSTRONG
United States Department of Justice
Criminal Division, Fraud Section
Director, Health Care Fraud

JOSEPH BEEMSTERBOER
United States Department of Justice
Criminal Division, Fraud Section
Deputy Chief, Health Care Fraud