



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States District Court
Southern District of Texas
FILED

JUN 29 2017

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA

v.

RUBEENA AYESHA, A.P.R.N., and
PARVEZ ANJUM QURESHI, M.D.,

Defendants.

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Criminal No. _____

UNDER SEAL

17 CR 389

INDICTMENT

The Grand Jury charges:

GENERAL ALLEGATIONS

At all times material to this Indictment, unless otherwise specified:

1. The Controlled Substances Act (CSA) governed the manufacture, distribution, and dispensing of controlled substances in the United States. With limited exceptions for medical professionals, the CSA made it unlawful for any person to knowingly or intentionally manufacture, distribute, or dispense a controlled substance or conspire to do so.

2. The CSA and its implementing regulations set forth which drugs and other substances are defined by law as "controlled substances," and assigned those controlled substances to one of five schedules (Schedule I, II, III, IV, or V) depending on their potential for abuse, likelihood of physical or psychological dependency, accepted medical use, and accepted safety for use under medical supervision.

3. A controlled substance assigned to "Schedule II" meant that the drug had a high potential for abuse, the drug had a currently accepted medical use in treatment in the United States, or a currently accepted medical use with severe restrictions.

4. Pursuant to the CSA and its implementing regulations:

a. Oxycodone was classified as a Schedule II controlled substance. 21 C.F.R. § 1308.12(b)(1). Oxycodone, sometimes prescribed under brand names including OxyContin or Roxicodone, was used to treat severe pain and, even if taken only in prescribed amounts, could cause physical and psychological dependence.

b. As of on or about October 6, 2014, Hydrocodone was classified as a Schedule II controlled substance. 21 C.F.R. § 1308.12(b). Prior to on or about October 6, 2014, Hydrocodone was classified as a Schedule III controlled substance. Hydrocodone, sometimes prescribed under brand names including Norco, Lortab, and Vicodin, was used to treat severe pain and, as with other opioids, was highly addictive.

c. Carisoprodol was classified as a Schedule IV controlled substance. 21 C.F.R. § 1308.14(c). Carisoprodol, sometimes prescribed under brand name Soma, was a muscle relaxant.

5. Medical practitioners, such as physicians and nurse practitioners, who were authorized to prescribe controlled substances by the jurisdiction in which they were licensed to practice medicine were authorized under the CSA to prescribe, or otherwise distribute, controlled substances, if they were registered with the Attorney General of the United States. 21 U.S.C. § 822(b); 21 C.F.R. § 1306.03. Upon application by the practitioner, the Drug Enforcement Administration (DEA) assigned a unique registration number to each qualifying medical practitioner including physicians and nurse practitioners.

6. Chapter 21 of the Code of Federal Regulations, Section 1306.04 governed the issuance of prescriptions and provided, among other things, that a prescription for a controlled

substance “must be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice.” Moreover, “[a]n order purporting to be a prescription issued not in the usual course of professional treatment . . . is not a prescription within the meaning and intent of [the CSA] and the 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 relating to controlled substances.”

7. All prescriptions for controlled substances had to be “dated as of, and signed on, the day when issued and shall bear the full name and address of the patient, the drug name, strength, dosage form, quantity prescribed, directions for use, and the name, address and registration number of the practitioner.” 21 C.F.R. § 1306.05(a). “The refilling of a prescription for a controlled substance listed in Schedule II is prohibited.” 21 C.F.R. § 1306.12(a); 21 U.S.C. § 829(a).

8. Title 3 of the Texas Occupations Code Section 157.0511 delineated a physician’s authority to delegate the prescribing or ordering of a Schedule III, IV, or V controlled substance, including to an Advanced Practice Registered Nurse (APRN) or physician assistant.

DEFENDANTS

9. Defendant **RUBEENA AYESHA** was licensed by the Texas Board of Nursing as an APRN, commonly known as a nurse practitioner, and maintained a DEA Registration Number. She was an Owner, Manager, and Registered Agent of Spring Shadows Medical Clinic (Spring Shadows), an unregistered pain clinic, doing business at 2549 Gessner Road Houston, Texas 77080.

10. Defendant **PARVEZ ANJUM QURESHI** (PARVEZ QURESHI) was licensed by the State of Texas to practice medicine and maintained a DEA Registration Number. QURESHI was employed as the physician at Spring Shadows beginning in or around December 2014 and was listed as an Owner of Spring Shadows on or about April 9, 2015.

COUNT 1
Conspiracy to Unlawfully Distribute and Dispense Controlled Substances
(21 U.S.C. § 846)

11. Paragraphs 1 through 10 of this Indictment are realleged and incorporated by reference as if fully set forth herein.

12. From in or around March 2014 through in or around February 2016, the exact dates being unknown to the Grand Jury, in the Houston Division of the Southern District of Texas and elsewhere, the Defendants,

RUBEENA AYESHA, A.P.R.N. and
PARVEZ ANJUM QURESHI, M.D.,

knowingly and intentionally combined, conspired, confederated, and agreed together and with each other, and with others known and unknown to the Grand Jury, to violate Title 21, United States Code, Section 841(a)(1), that is, to knowingly, intentionally, and unlawfully distribute and dispense, mixtures and substances containing a detectable amount of controlled substances, including Hydrocodone, a Schedule II controlled substance, and Carisoprodol, a Schedule IV controlled substance, not with a legitimate medical purpose and outside the scope of professional practice.

All in violation of Title 21, United States Code, Sections 846.

Purpose of the Conspiracy

13. It was the purpose and object of the conspiracy for the Defendants to unlawfully enrich themselves by, among other things: (a) prescribing controlled substances without a legitimate medical purpose and outside the scope of professional practice; (b) generating large profits from those prescriptions; and (c) diverting the proceeds from those controlled substance prescriptions for the personal use and benefit of the Defendants and their coconspirators known and unknown to the Grand Jury.

Manner and Means of the Conspiracy

The manner and means by which the Defendants and their coconspirators sought to accomplish the purpose and object of the conspiracy included, among other things:

14. Defendant **PARVEZ QURESHI** maintained a Texas medical license and a DEA Registration Number that enabled him to write prescriptions for Schedule II–V controlled substances including Hydrocodone, Oxycodone, and Carisoprodol, among others.

15. Defendant **RUBEENA AYESHA** maintained an APRN license and a DEA Registration Number that enabled her to write prescriptions for Schedule III–V controlled substances including Carisoprodol, among others.

16. In or around 2014, Defendant **RUBEENA AYESHA** and her coconspirators, known and unknown to the Grand Jury, opened Spring Shadows and hired licensed medical practitioners who had DEA Registration Numbers, including **PARVEZ QURESHI**. In or around April 2015, **PARVEZ QURESHI** signed an Assumed Name document stating that he was an owner of Spring Shadows.

17. Coconspirators of **PARVEZ QURESHI** and **RUBEENA AYESHA** were patients at Spring Shadows, and brought other patients to Spring Shadows, to obtain prescriptions for controlled substances without a legitimate medical purpose and outside the scope of professional practice from the Defendants, **PARVEZ QURESHI** and **RUBEENA AYESHA**.

18. **PARVEZ QURESHI**, **RUBEENA AYESHA**, and their coconspirators compensated and offered to compensate these coconspirators in exchange for bringing other patients to Spring Shadows.

19. The Defendant **RUBEENA AYESHA** also referred patients seeking prescriptions for controlled substances from Spring Shadows to other clinics, including Aster Medical Clinic doing business at 5101 Avenue H, Suite 23 in Rosenberg, Texas.

20. The Defendant **PARVEZ QURESHI** and other licensed medical professionals signed patient charts and controlled substance prescriptions for patients he had not personally evaluated and whom he knew had not been evaluated by a licensed medical practitioner registered to prescribe Schedule II controlled substances. **PARVEZ QURESHI** also pre-signed blank prescriptions for controlled substances, knowing that by pre-signing prescriptions, he was prescribing controlled substances to patients without a legitimate medical purpose and outside the scope of professional practice. The Defendant **AYESHA RUBEENA** also signed patient charts and controlled substance prescriptions, including Soma, without a legitimate medical purpose and outside the scope of professional practice.

21. Patients paid between approximately \$250 and \$500 in cash for an appointment, knowing that they would receive a prescription for controlled substances, including Hydrocodone or Oxycodone. Between in or around December 2014 and in or around February 2016, Spring Shadows received *at least* approximately \$4 million in cash from patients.

22. **PARVEZ QURESHI, RUBEENA AYESHA**, and their coconspirators deposited some of the cash receipts into a bank account.

23. **PARVEZ QURESHI, RUBEENA AYESHA**, and their coconspirators split the proceeds from prescribing controlled substances without a legitimate medical purpose and outside the scope of professional practice.

24. Between in or around December 2014 through in or around February 2016, **PARVEZ QURESHI** deposited approximately \$1.59 million in checks from Spring Shadows for “medical services” signed by **RUBEENA AYESHA**.

All in violation of Title 21, United States Code, Section 846.

COUNTS 2-5

**Unlawfully Distributing and Dispensing Controlled Substances and Aiding and Abetting
(21 U.S.C. § 841 and 18 U.S.C. § 2)**

25. Paragraphs 1 through 10 and 14 through 24 of this Indictment are realleged and incorporated by reference as though fully set forth herein.

26. On or about the dates specified below, in the Houston Division of the Southern District of Texas and elsewhere, the Defendants,

**RUBEENA AYESHA, A.P.R.N. and
PARVEZ ANJUM QURESHI, M.D.,**

aided and abetted by others, did unlawfully distribute and dispense, not for a legitimate medical purpose and outside the scope of professional practice, the controlled substances alleged below:

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Count	On or about date	Controlled Substances	"Patient"
2	March 21, 2015	Norco Soma	S.Y.
3	March 21, 2015	Norco Soma	G.R.
4	March 21, 2015	Norco Soma	S.J.
5	March 19, 2015	Norco Soma	S.R.

All in violation of Title 21, United States Code, Section 841 and Title 18, United States Code, Section 2.

NOTICE OF CRIMINAL FORFEITURE
(21 U.S.C. § 853(a))

27. Pursuant to Title 21, United States Code, Section 853(a), the United States of America gives notice to Defendants,

**RUBEENA AYESHA, A.P.R.N. and
PARVEZ ANJUM QURESHI, M.D.,**

that upon conviction of an offense in violation of Title 21, United States Code, §§ 841 and 846, the following is subject to forfeiture:

- a. all property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such violation; and
- b. all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation.

Money Judgment

28. Defendants are notified that upon conviction, a money judgment may be imposed equal to the total value of the property subject to forfeiture.


Substitute Assets

29. Defendants are notified that in the event that one or more conditions listed in Title 21, United States Code, Section 853(p) exists, the United States will seek to forfeit any other property of the Defendants up to the total value of the property subject to forfeiture.

A TRUE BILL
ORIGINAL SIGNATURE ON FILE

FOREPERSON

ABE MARTINEZ
ACTING UNITED STATES ATTORNEY



ALEZA REMIS
TRIAL ATTORNEY
FRAUD SECTION, CRIMINAL DIVISION
U.S. DEPARTMENT OF JUSTICE