



U.S. Department of Justice

United States Attorney
District of Maine

100 Middle Street
6th Floor, East Tower
Portland, ME 04101

(207) 780-3257
TTY (207) 780-3060
Fax (207) 780-3304
www.usdoj.gov/usao/me

April 14, 2020

Maine Medical Association
Fax: 207-622-3332

Maine Hospital Association
Fax: 207-622-3073

Re: Federal Enforcement Against COVID-19 Fraud, Hoarding and Price Gouging

Dear Colleague:

As a resident of Maine, I want to thank you and your staff for all that you are doing to combat the COVID-19 virus and maintain the health and well-being of our fellow Mainers. As the United States Attorney for the District of Maine, I am responsible for enforcing federal law on behalf of the citizens of this state. In response to the pandemic, my office is prioritizing the investigation and prosecution of those who try to use it to take advantage of others. That includes those who hoard and price-gouge essential medical supplies. That kind of conduct is not only morally repugnant but, if left unchecked, will inhibit hospitals, physicians, other health care professionals, and government agencies from fully implementing measures designed to save lives and mitigate the spread of the COVID-19 virus.

By Executive Order dated March 23, 2020, President Trump delegated to the Secretary of Health and Human Services (HHS) the authority to designate materials critical to our the fight against COVID-19 as "scarce". On March 25, 2020, the HHS Secretary designated 15 categories of health and medical supplies as "scarce," thus triggering criminal and civil enforcement remedies that my office can pursue. Those categories currently include:

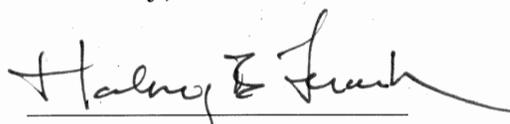
- N-95 Filtering Facepiece Respirators;
- Other Filtering Facepiece Respirators (e.g., those designated as N99, N100, R95, R99, R100, or P95, P99, P100);
- Elastomeric, air-purifying respirators and appropriate particulate filters/cartridges;
- Powered Air Purifying Respirator;

- Portable Ventilators;
- Chloroquine phosphate or hydroxychloroquine HCl;
- Sterilization services for certain medical devices and certain sterilizers;
- Disinfecting devices and other sanitizing and disinfecting products suitable for use in a clinical setting;
- Medical gowns or apparel, e.g., surgical gowns or isolation gowns;
- Personal protective equipment (PPE) coveralls, e.g., Tyvek Suits;
- PPE face masks;
- PPE surgical masks;
- PPE face shields;
- PPE gloves or surgical gloves; and
- Ventilators, anesthesia gas machines modified for use as ventilators, and positive pressure breathing devices modified for use as ventilators, ventilator tubing connectors, and ventilator accessories.

Please alert my office if you are aware of individuals and/or companies that may have acquired these kinds of vital medical supplies in excess of what they could reasonably use, or for the purpose of charging exorbitant prices. I have designated a COVID-19 coordinator, Assistant United States Attorney Dan Perry, to investigate and prosecute these crimes, as well as any other fraudulent conduct designed to benefit from the pandemic (*e.g.*, false treatments, tests, and/or vaccinations for COVID-19). If you have relevant information, I encourage you to contact Mr. Perry at 207-771-3228 or dan.perry@usdoj.gov.

With help from institutions like yours, the Department of Justice can use all available measures to ensure that these scarce materials are available to safely and effectively treat those affected by the COVID-19 virus. Again, I am grateful for the vital work that you do on a daily basis and for your institution's commitment to the people of Maine. I look forward to collaborating with you to protect the people of Maine and enforce the laws of the United States during this time of national emergency.

Sincerely,



Halsey B. Frank
United States Attorney
District of Maine