



U.S. Department of Justice

Jay E. Town
United States Attorney
Northern District of Alabama

1801 Fourth Avenue North
Birmingham, AL 35203-2101
205.244.2001

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Dear Hospital Leaders and Executives:

As the United States Attorney for the Northern District of Alabama, I am the chief federal law enforcement officer that serves 31 counties comprised of nearly 3 million citizens. My office's primary responsibility is to enforce the laws of the United States on behalf of the citizens we serve. My office is prioritizing the deterrence, investigation, and prosecution of criminal activities related to the coronavirus pandemic.

While this pandemic has brought to the fore the very best among us, such as your hospital staff and medical providers, we are unfortunately becoming more and more aware of myriad coronavirus-related criminal activities in our District and around the country. In relevant part, these frauds include Medicaid/Medicare billing manipulations, the sale of fake or counterfeit personal protective equipment, sale of bogus medicines related to COVID-19, and the hoarding and/or price-gouging of critical medical supplies and materials. These practices are not only morally repugnant in light of the pandemic we are facing, but also, if left unchecked, can inhibit hospitals, physicians and other health care professionals, governmental agencies, and the public from fully implementing measures designed to save lives and mitigate the spread of the novel coronavirus.

By Executive Order dated March 23, 2020, President Trump delegated to the Secretary of Health and Human Services (HHS) Alex Azar the authority to designate materials critical to our the fight against COVID-19 as "scarce" pursuant to the Defense Production Act of 1950. On March 25, 2020, Secretary Azar designated fifteen categories of health and medical supplies as "scarce," **thus triggering both criminal prohibitions and civil enforcement remedies that my office will aggressively enforce.**

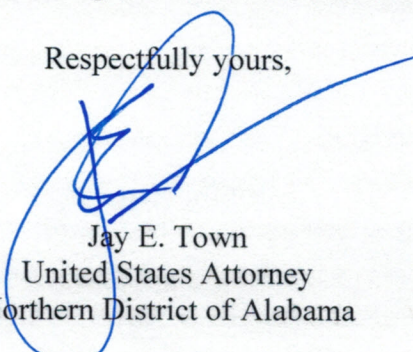
These categories currently include:

- N-95 Filtering Facepiece Respirators;
- Other Filtering Facepiece Respirators (e.g., designated N/R/P 95/99/100 masks);
- Elastomeric, air-purifying respirators and appropriate particulate filters/cartridges;
- Powered Air Purifying Respirator (PAPR);
- Portable Ventilators;
- Chloroquine phosphate or hydroxychloroquine HCl;
- Sterilization services for certain medical devices and certain sterilizers;
- Disinfecting devices and other sanitizing and disinfecting products;
- Medical gowns or apparel, surgical gowns, or isolation gowns;
- Personal protective equipment (PPE) coveralls;
- PPE face masks;
- PPE surgical masks;
- PPE face shields;
- PPE gloves or surgical gloves;
- Ventilators, modified ventilators, and ventilator tubing connectors and accessories.

In this time of critical shortage, we are asking for your assistance in identifying individuals and companies that may have acquired vital medical supplies in excess of what they would reasonably use, or for the purpose of charging exorbitant prices to enjoy windfall profits. My office is committed to investigating and prosecuting any such incidents as well as any other fraudulent conduct designed to benefit from this pandemic (*e.g.*, false claims, treatments, tests, and/or vaccinations for COVID-19). In furtherance of this goal, I have designated senior Assistant United States Attorney (AUSA) Robert Posey as my Coronavirus Coordinator to oversee the investigation and prosecution of all coronavirus-related crimes. If you have any information related to this topic, I ask that you please contact me or AUSA Posey at 205.244.2001.

I am very thankful for the vital work that you and your team do on a daily basis for the people of Alabama. I look forward to collaborating with you to protect the citizens of our community and enforce the laws of the United States during this time of national emergency.

Respectfully yours,



Jay E. Town
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