

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA	:	Criminal No. 21-
	:	
v.	:	Hon.
	:	
RAYMOND CATANIA	:	21 U.S.C. §§ 841(a)(1) & (b)(1)(C)
	:	

I N F O R M A T I O N

The defendant having waived in open court prosecution by Indictment, the Acting United States Attorney for the District of New Jersey charges:

Background

1. At all times relevant to this Information:
 - a. Defendant RAYMOND CATANIA was a resident of Warren, New Jersey and a licensed physician in the State of New Jersey, primarily practicing cardiology.
 - b. CATANIA was also a registered practitioner with the Drug Enforcement Administration (DEA), which allowed him to dispense and issue prescriptions for Schedule II through Schedule V controlled substances so long as it was in the usual course of professional practice and for a legitimate medical purpose.
 - c. Patient-1 was a patient of CATANIA who received prescriptions for controlled substances from CATANIA in New Jersey.

d. Individual-1, the spouse of Patient-1, also received prescriptions for controlled substances from CATANIA despite not being CATANIA's patient.

The Controlled Substances Act

e. The Controlled Substances Act (CSA), codified in Title 21 of the United States Code, and its promulgating regulations, classified drugs into five schedules depending on a drug's acceptable medical use and its potential for abuse and dependency.

f. Schedule I controlled substances, such as heroin, did not have an acceptable medical use, while Schedule II through Schedule V controlled substances did.

g. Schedule II controlled substances had acceptable medical uses, but also had a high potential for abuse, which could lead to severe psychological or physical dependence. Therefore, their medical use was severely restricted. Oxycodone was an opioid pain medication and a Schedule II drug that had very high potential for abuse and risk of fatal overdose.

h. Title 21, United States Code, Section 841(a)(1), provided that "[e]xcept as authorized by this subchapter, it shall be unlawful for any person knowingly or intentionally . . . to manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance."

i. Title 21, United States Code, Section 802(10), provided that the term "dispense" meant "to deliver a controlled substance to an ultimate

user . . . by, or pursuant to the lawful order of, a practitioner, including the prescribing and administering of a controlled substance and the packaging, labeling or compounding necessary to prepare the substance for such delivery.” Title 21, United States Code, Section 802(21), provided that “‘practitioner’ means a physician.”

j. The CSA authorized Schedule II controlled substances to be dispensed to individuals by a valid prescription. 21 U.S.C. § 829.

k. For a prescription for a controlled substance to be valid, it must have been issued for a legitimate medical purpose by a registered practitioner acting in the usual course of his or her professional practice. 21 C.F.R. § 1306.04 (“An 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 [21 U.S.C. § 829]”).

l. In addition to requirements imposed by the State of New Jersey, physicians or practitioners must obtain and maintain a registration with the DEA authorizing them to prescribe controlled substances in the Schedules in which they are registered. 21 C.F.R. § 1306.03. Consequently, a registered practitioner issuing prescriptions for controlled substances not in the usual course of professional treatment and not for a legitimate medical purpose violates the provisions of the CSA and is subject to its penalties. 21 C.F.R. § 1306.04.

2. From in or about January 2016 through in or about March 2017, CATANIA wrote prescriptions to Patient-1 and Individual-1 for approximately 8,620 Oxycodone 30 milligram pills.

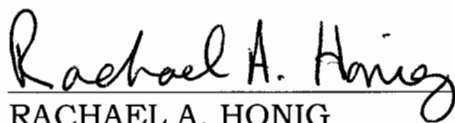
Unlawful Distribution

3. On or about March 17, 2017, in the District of New Jersey, and elsewhere, defendant

RAYMOND CATANIA

did knowingly and intentionally distribute and dispense, outside the usual course of professional practice and not for a legitimate medical purpose, a mixture and substance containing a detectable amount of oxycodone, a Schedule II controlled substance.

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


RACHAEL A. HONIG
Acting United States Attorney

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INFORMATION FOR
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(Ed. 1/97)