

State Agrees To Pay \$190,000 Fine To Feds

By Administrator

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The United States Attorney for the Eastern District of North Carolina, Robert J. Higdon, Jr., announced that the United States and the North Carolina Department of Public Safety have signed a civil settlement agreement resolving the State's liability for civil penalties stemming from recordkeeping violations relating to the dispensing of controlled substances to inmates at the Central Prison Healthcare Complex and the North Carolina Correctional Center for Women.

The State agreed to pay \$190,000 rather than contest a potential fine that could have been as high as \$880,000.

The Drug Enforcement Administration's Diversion Unit conducted an audit of the Central Prison Healthcare Complex (CPHC) and the North Carolina Correctional Center for Women (NCCCW). Investigators found that on at least 88 occasions during the period of September 2, 2014 through October 4, 2016 medical staff at CPHC and NCCCW failed to properly document the dispensing and disposal of controlled substances at CPHC and NCCCW. While no unlawful use of controlled substances was detected, the substandard recordkeeping provided fertile ground for improper diversion.

In addition to payment of the civil penalty, because of the investigation State officials initiated their own investigation and took remedial measures. Included among such measures were changes in existing policies and procedures, implementation of better and more effective employee education and training, and the development of better monitoring, reporting, and compliance processes.

"The handling of prescription controlled substances inside our prisons poses some unique challenges," says U.S. Attorney Higdon, "and yet given the possibility of illegal diversion to inmates and others, scrupulous recordkeeping and tracking of controlled substances is essential. Drug overdoses are now the leading cause of injury-related death in the United States, eclipsing deaths from motor vehicle crashes or firearms. This matter underscores the continued need for robust regulatory and enforcement measures against all medical providers to stop diversion of controlled prescription drugs and end the lax recordkeeping environments which may be fertile ground for diversion."

Robert J. Murphy, the Special Agent in Charge of the DEA's Atlanta Field Division stated, "DEA and its law enforcement partners will continue to expend time, energy and resources in an effort to stem the tide against the growing opioid epidemic. The spirited level of cooperation by the N.C. Board of Pharmacy and the N.C. State Bureau of Investigation, and the prosecution by

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the U.S. Attorney's Office, made this investigation a success.”

Assistant United States Attorney Steve West represented the government in this matter.