



KENTUCKY

General News



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Attorney General Jack Conway Unveils New Child Victims' Trust Fund Website

A newly designed website created for the Child Victims' Trust Fund (CVTF) is giving Kentuckians better access to information about the CVTF's child sexual abuse prevention initiatives and the resources available to agencies across the Commonwealth. The updated and user-friendly website, ICareAboutKids.ky.gov, also allows Kentuckians to donate to the fund.



“Statistics show that 1 in 10 children in the United States will be sexually abused before he or she turns 18,” General Conway said. “The effects of this abuse are devastating on a child and can last a lifetime. By increasing awareness about the CVTF and its importance through ICareAboutKids.ky.gov, we can better educate Kentuckians and continue funding the necessary programs that serve kids across our Commonwealth.”

The CVTF has provided funding to regional and statewide child sexual abuse prevention programs since 1985. These programs provide children with personal safety skills, teach adults how to keep kids safe from sexual abuse and exploitation, and educate the public on how to report suspected child abuse, which Kentucky law requires. The CVTF also helps pay for child sexual abuse medical exams at children's advocacy centers across the state. Last year alone, the CVTF provided more than \$200,000 in grants to address both child sexual abuse and human-trafficking issues. The fund is administered by the Child Sexual Abuse and Exploitation Prevention (CSAEP) Board, which Attorney General Conway chairs.

In addition to the ICareAboutKids.ky.gov website unveiling, a public service announcement encouraging Kentuckians to support the CVTF through the Kentucky Income Tax Refund Check-Off campaign is now airing on radio and TV stations across the Commonwealth. Located in the “Fund Contributions” section of the Kentucky income tax form, the tax refund check-off allows Kentuckians to make a tax-deductible donation to the fund.

Along with the Kentucky Income Tax Refund Check-Off and monetary donations, CVTF prevention activities and child advocacy programs are funded through proceeds from the “I Care About Kids” license plates. For more information on the CSAEP Board and the CVTF, visit ICareAboutKids.ky.gov.



General Conway Calls on Sec. Sebelius to Overturn Zohydro Approval

Attorney General Conway has joined five other state attorneys general in calling on the U.S. Department of Health and Human Services to overturn the recent approval of Zohydro ER, a pure hydrocodone pill reported to be five to 10 times more potent than currently available products, such as Vicodin and Lortab.

“We do not want to see the great strides we have made in Kentucky combating prescription drug abuse reversed,” General Conway said. “For decades, we have fought the disastrous effects of the illegal marketing of the drug OxyContin. Zohydro ER has the potential to exacerbate the prescription pill epidemic, and the FDA’s decision to approve the drug doesn’t make sense.”

The painkiller’s high potential for abuse is what prompted attorneys general from Kentucky, Florida, Indiana, Illinois, Georgia and Maine to send a letter to Sec. Kathleen Sebelius on March 26 asking her to reverse the U.S. Food and Drug Administration’s (FDA) approval of Zohydro. A copy of the letter may be viewed at <http://goo.gl/UeYsNU>.

In October, the FDA approved Zohydro ER against the recommendation of its advisory panel, which voted 11-2 in opposition because of the drug’s high potential for misuse and its lack of an abuse-deterrent formulation. Additionally, one day before approving Zohydro ER, the FDA recommended reclassifying all hydrocodone products to Schedule II controlled substances because of the abuse potential. Zohydro ER is the first hydrocodone-only opioid narcotic, which is more potent than traditional hydrocodone products that are manufactured in a formulation with other non-narcotic analgesics.

In a letter to the commissioner of the FDA last December, General Conway and a bipartisan coalition of 28 other attorneys general asked the FDA to reconsider its approval of Zohydro ER. It also requested that the drug be manufactured with an abuse-proof formula. In early March, General Conway also shared his concerns about Zohydro’s potential for abuse during an interview with Huffington Post Live (photo, right). The online interview is available at http://www.huffingtonpost.com/2014/03/05/fda-zohydro_n_4907044.html

“Prescription pill abuse has devastated families across Kentucky,” General Conway said. “The approval of this very potent drug is troubling because, unlike extended-release opioids containing abuse-deterrent properties, there is nothing that would prevent someone from easily crushing or injecting Zohydro ER to get high. The decision is especially concerning given that the FDA’s own advisory panel voted against the drug’s approval.”



Attorney General Conway in an online interview with Huffington Post Live

General Conway and Florida Attorney General Pamela Bondi co-chair the National Association of Attorneys General Substance Abuse Committee.

General Conway Warns Kids about the Dangers of Drug Abuse

Attorney General Conway traveled to Scott and Anderson counties on March 25, sharing his message about the dangers of prescription drug abuse and heroin with more than 1,600 students.

“I want Kentucky kids to know that these highly addictive drugs can kill them,” Attorney General Conway said. “Kentuckians, young and old, are overdosing every day on prescription painkillers and heroin. Addiction is shattering families across the Commonwealth, and we are doing all we can in the Office of the Attorney General to prevent it.”

As part of his Keep Kentucky Kids Safe program, General Conway visited Scott County Ninth Grade School and Anderson County High School with Van Ingram, executive director for the Kentucky Office of Drug Control Policy, and Mike Donta, a concerned parent who lost his son after a long battle with prescription drug abuse. Since launching Keep Kentucky Kids Safe in 2010 with the Kentucky Office of Drug Control Policy, Kentucky Pharmacists Association, National Association of Drug Diversion Investigators (NADDI), Operation UNITE and concerned parents, General Conway and his partners have alerted approximately 40,000 students, teachers, and parents to the dangers of abusing prescription drugs and heroin.



Scott County 9th Grade School

“No parent should have to endure the heartache of burying a child,” Donta told the students. “If you choose to take prescription pills that aren’t prescribed to you by a doctor, there’s a good chance you will end up just like my son.”



Nationally, prescription painkillers are the leading cause of accidental death in the United States. In 2012, there were about 220 million doses of the highly addictive painkiller hydrocodone dispensed in Kentucky. Additionally, a report by the nonprofit Trust for America's Health lists Kentucky as having the third-highest rate of fatal overdoses in the country – the vast majority from prescription pills.

Heroin, however, is rapidly replacing prescription painkillers as the drug of choice in many parts of Kentucky because it is also an opiate, it's cheaper to get, and it mimics the same high people get from crushing and injecting opioid painkillers. According to the Kentucky Office of Drug Control Policy, statewide heroin overdose deaths increased by 650 percent in 2012.

“We are very thankful to have Attorney General Conway, along with Mike Donta and Van Ingram, visit our school and help us educate our students about the real-life tragedies that can occur when illicit drugs are used,” said Dwayne Ellison, principal at Scott County Ninth Grade School. “Peer pressure can be a daily struggle for children, and positive role models are vital in order to help them lead healthy and productive lives. I am glad that keeping our kids safe is one of General Conway’s top priorities.”

“Our students today are faced with a multitude of negative influences, including substance abuse,” added Chris Glass, principal at Anderson County High School. “Any time we are presented with an opportunity to discuss these negative influences and better ways to handle such situations, we seize them, and the Keep Kentucky Kids Safe presentation was a great chance for us to educate our students about what they may face and how they can react to these situations.”

Kentucky continues to make progress in its fight against the epidemic of prescription drug abuse. According to the 2012 Kentucky Incentives for Prevention School Survey, the percentage of Kentucky teens misusing prescription drugs has dropped dramatically over the past four years.

Additionally, the latest report from the Substance Abuse and Mental Health Services Administration shows the non-medical use of prescription pain relievers among all age groups in Kentucky is down and for the first time, the state is below the national average for prescription drug abuse.

Tapings from both programs are available on the Office of the Attorney General YouTube channel — <http://www.youtube.com/kyoag>

Former Paintsville Doctor Admits Role in Pill Mill that Illegally Dispensed 25,000 Prescription Pills

A former doctor in Paintsville, Ky. has admitted to his role in a conspiracy that was responsible for illegally distributing more than 25,000 prescription pills in Eastern Kentucky.

On March 17, Rano Bofill, 72, pleaded guilty in federal court in Lexington to conspiracy to unlawfully dispense Oxycodone charges. Attorney General Conway, along with Kerry B. Harvey, U.S. Attorney for the Eastern District of Kentucky, and Robert L. Corso, Special Agent in Charge, jointly made the announcement.

“Mr. Bofill jeopardized public safety and put the health of his patients at serious risk, and I’m pleased that he is taking responsibility for his actions,” General Conway said. “I applaud the hard work of my investigators from the Drug Investigations Branch who worked in coordination with local, state, and federal law enforcement partners to bring the defendant to justice and obtain this guilty plea.”

According to court documents, from Jan. 2009 until Dec. 2012, Bofill conspired with Tammy Cantrell and Shelby Lackey, owners of Care More Pain Management, LLC, located in Johnson County, to distribute thousands of Oxycodone pills to patients without a legitimate medical purpose.



Scott Utterback/The Courier-Journal

Bofill acknowledged that he wrote prescriptions for numerous patients after performing little to no examination and, in some instances, he even signed off on prescriptions without actually ever seeing the patients. Patients who visited the clinic paid \$200 for the initial visit and \$185 for subsequent visits; all fees were paid in cash. Bofill admitted he saw approximately 25 patients per day and was paid between \$5,000 and \$6,000 per week

Read more — <http://migration.kentucky.gov/Newsroom/ag/bofillplea.htm>

Former Owner of Two KY Pain Clinics Sentenced to 20 Years in Prison

The former owner of two Kentucky pain clinics has been sentenced to 20 years in prison. U.S. District Judge Karen Caldwell sentenced Ernest Singleton on drug trafficking, money laundering, opening and maintaining a drug involved premise, and conspiracy charges. Singleton will have to serve at least 85 percent of his prison sentence.



Attorney General Conway, along with Kerry Harvey, U.S. Attorney for the Eastern District of Kentucky; Robert Corso, Special Agent in Charge, Drug Enforcement Administration; Christopher Henry, Special Agent in Charge of IRS, Criminal Investigation Division; and Rodney Brewer, Commissioner of the Kentucky State Police, jointly made the announcement on March 19.

“The end result of this case should send a strong message that any illegal pill mill owner who thinks he or she can make a living by fueling the prescription drug epidemic in our Commonwealth will be held accountable,” General Conway said. “I appreciate the hard work of my Drug Branch investigators and prosecutors who joined our state and federal law enforcement partners to bring this case to a successful close.”

Singleton and his corporations, Double D Holdings, LLC and S and R Medical Enterprises, LLC, which owned Central Kentucky Bariatric and Pain Management, Central Kentucky Family Pharmacy of Georgetown, and the Grant County Wellness Center in Dry Ridge, were convicted by a federal jury in June 2013.

According to evidence presented at trial, from Oct. 2010 until Feb. 2013 and under Singleton’s direction, doctors at the clinics prescribed large quantities of Oxycodone and Diazepam outside the scope of professional practice and without a legitimate medical purpose.

Specifically, the evidence established that Singleton oversaw the daily operations of the clinics, influenced doctors to overprescribe drugs to patients, and pressured them to see as many patients as possible. Witnesses testified that, at Singleton’s direction, one of the doctors saw more than 90 patients in a day and another doctor visited with some patients for as little as three minutes before prescribing medication. Witnesses also testified that when some doctors complained to Singleton about the volume of patients, he instructed them not to reduce their patient load.

Other evidence established that the pain clinics operated on a cash-only basis and did not accept insurance. Patients paid approximately \$250 on the first visit and \$300 on subsequent visits. Investigators estimate that approximately 5,000 patients visited the clinics during the course of the conspiracy.

Some of the doctors who testified at trial confirmed that they could not provide adequate medical care under Singleton’s guidelines. Two of the doctors employed by Singleton, Lea Marlow and Gregory White, pleaded guilty to criminal charges last year and are currently serving prison terms.

The jury also found that Singleton engaged in money laundering by using the drug proceeds to purchase real estate, a boat, and farm equipment, among other items. He also used the proceeds to build a home. Singleton has forfeited numerous items that either facilitated the crimes or were purchased with proceeds from his criminal offenses, including bank accounts consisting of more than \$427,000, more than 20 firearms, more than 40 pieces of farm equipment, vehicles, and livestock.

The investigation was conducted by the Office of the Attorney General, the DEA, IRS Criminal Investigation Division, and Kentucky State Police. Special Assistant U.S. Attorney Shawna Kincer, the Executive Director of Special Prosecutions with the Office of the Attorney General, Assistant U.S. Attorney Ron Walker, and former Assistant U.S. Attorney Patrick H. Molloy prosecuted the case.

Former Director of Caretaker Service Indicted

A former director of a Kentucky caretaker service has been indicted on charges involving forgery and fraud. On March 4, a Fayette County grand jury charged Cheron L. Miller, 35, with four counts of second-degree forgery and one count of defrauding the Kentucky Medicaid program, which are class D felonies. Miller was arrested on March 24 by an investigator with Attorney General Conway’s Medicaid Fraud and Abuse Control Unit and the Lexington Police Dept.

Miller is the former executive director of Support Source, Inc., a company that provided caretaking services to disabled individuals. While employed at Support Source, Miller allegedly obtained a false diploma and falsified her credentials on numerous waiver services forms. Those forms were then submitted to the Kentucky Cabinet for Health and Family Services.

Miller was arraigned in Fayette Circuit Court. If convicted, she faces up to 25 years in prison and a felony fine. This case was investigated by General Conway’s Medicaid Fraud and Abuse Control Unit and the Cabinet for Health and Family Services’ Office of the Inspector General. It will be prosecuted by the Office of the Attorney General in Fayette Circuit Court.



Track Jack



General Conway joins HuffPost Live to discuss heroin's resurgence in KY and his efforts to combat substance abuse across the Commonwealth. Watch the interview — <http://goo.gl/sqU1Rx>



Community leaders and law enforcement officials join General Conway during Keep KY Kids Safe programs in Anderson and Scott counties.



General Conway testifies in front of the House Judiciary Committee regarding Senate Bill 5. The legislation was created to address the state's growing heroin problem.



General Conway speaks with the Frankfort Rotary Club about the latest news from the Office of the Attorney General.



General Conway and WKYT's Bill Bryant discuss the issues affecting the Commonwealth during a taping of Kentucky Newsmakers.



General Conway joins thousands of Kentuckians to commemorate the 50th anniversary of the historic March on Frankfort.

Attorneys General Conway and Zoeller Launch March Against Hunger Food Drive

Attorney General Jack Conway and Indiana Attorney General Greg Zoeller joined forces on March 14 to kick off the sixth annual March Against Hunger food drive in Louisville.



Conway and Zoeller challenged attorneys and law firms in both Louisville and southern Indiana to participate in the competition by donating food or money to the Dare to Care Food Bank. The food bank services food pantries, shelters, and emergency kitchens within eight counties in Kentucky and five counties in Indiana.

“The food bank that we’re supporting serves families in the Louisville area and southern Indiana. I encourage firms based in Kentucky to consider joining this effort to help put food on the tables of families in need across this region. I applaud General Zoeller and his efforts to organize this food drive, and I appreciate the opportunity to assist in his efforts,” General Conway said.

In 2013, 52 law groups participated in March Against Hunger and raised 10,065 pounds of food and \$55,455 in monetary donations. To learn more, visit marchagainsthunger.org.

General Conway and Colleagues Reach Settlement with Four Loko Manufacturer

Attorney General Conway and 19 other attorneys general and San Francisco’s city attorney have reached a settlement with Phusion Projects, LLC and its officers (collectively, “Phusion”) regarding the flavored malt beverage Four Loko.

The settlement resolves allegations that Phusion marketed and sold Four Loko in violation of consumer protection and trade practice statutes by promoting the alcoholic beverage to minors, promoting dangerous and excessive consumption of the beverage, promoting the misuse of alcohol, and failing to disclose to consumers the effects of drinking alcoholic beverages combined with caffeine.

Additionally, the settlement addresses Phusion’s practice of manufacturing, marketing, and selling unsafe and adulterated caffeinated alcoholic beverages prior to the FDA’s November 2010 letter warning the company that caffeinated Four Loko is an unsafe product. Kentucky will receive \$14,047.62 as a result of the settlement.

“Often referred to as an ‘alcopop’ and even a ‘blackout in a can,’ the original Four Loko formulation is a dangerous concoction of alcohol and caffeine,” General Conway said. “This settlement will keep the caffeinated version of the malt beverage off of store shelves, and it will ensure that consumers, especially minors, are no longer prey to the misleading and deceptive marketing techniques that Phusion has used to sell its products.”

As part of the settlement, Phusion agreed to not manufacture caffeinated alcoholic beverages and reform how it markets and promotes its non-caffeinated flavored malt beverages, including Four Loko. Read additional conditions of the settlement — <http://migration.kentucky.gov/Newsroom/ag/fourlokosettlement.htm>



Kentucky Participates in \$22.3 Million Settlement with Genzyme Corp.

Kentucky will receive more than \$38,000 for its participation in a \$22.3 million settlement with Genzyme Corp., a Massachusetts-based biotechnology corporation. The settlement resolves allegations that the company promoted an off-label use of its Septrafilm adhesion barrier. Kentucky’s total share of the settlement is \$38,047.39 with \$10,698.78 returning to the state Medicaid program. The federal government will receive \$27,348.61 for its share of Kentucky-related damages.

“Drug companies that practice deceptive and illegal marketing schemes will be held accountable,” General Conway said. “My Medicaid Fraud and Abuse Control Unit and I remain committed to recovering taxpayer money that is lost to health care fraud.”



Septrafilm is a thin film intended to reduce adhesions after surgery by forming a bio-resorbable barrier between abdominal tissue and organs. Kentucky, along with other states and the federal government, alleged that Genzyme sales representatives taught doctors and other staff to cut the Septrafilm sheets into small pieces, add saline and allow the pieces to dissolve until the desired consistency was reached, creating a mixture referred to as “slurry.”

Genzyme sales representatives traded recipes for slurry and trained each other in how to create it. The slurry was used in laparoscopic surgeries by inserting a catheter filled with the mixture into the body and applying it into the abdominal cavity. Septrafilm is FDA-approved for use in open abdominal

surgery but not for minimally invasive surgeries, such as laparoscopic surgery. As a result, Genzyme knowingly caused hospitals and other purchasers of Seprafilm to submit false and fraudulent claims to federal health care programs for uses of Seprafilm that were not reimbursable.

Roofing Contractor Pleads Guilty to Theft Charge

A roofing contractor accused of failing to perform repair services for Kentucky residents, despite being paid to do so, has pleaded guilty to one count of theft by deception under \$10,000, a class D felony. James Twaddle, 41, entered the plea on March 18 in Bullitt Circuit Court. His two-year prison sentence is suspended for five years on the condition that he repays \$7,389.96 to the victims. He must pay the restitution in full by June 30, 2014 or he will be taken into custody.



Twaddle was previously indicted on 26 counts of theft by deception in Jefferson, Larue, Scott, and Grayson counties. Many of these cases are still pending and involve victims who were solicited following storm events.

Twaddle was the president of Restore-IT USA, a roofing company located in Columbus, Ohio. Twaddle operated his business in Kentucky from an office located on Forest Green Blvd, in Louisville. From May 2012 until Aug. 2012, Restore-IT USA employees would visit neighborhoods and sign residents up for roof repairs, collecting payments prior to any work being completed. Twaddle allegedly deposited the money into a company bank account and transferred the funds to his personal account; however, the roof repairs were never performed. Twaddle has also been indicted in Ohio on 42 counts of theft and insurance fraud related to the same scheme in the Columbus area.

“Consumers who need work done quickly to repair storm-damaged homes and property are at risk of falling victim to unscrupulous fly-by-night contractors, also known as ‘storm chasers,’” General Conway said. “Common scams include fraud, shoddy construction, charity scams, impersonating officials and loan scams, and I urge consumers to report any incidents of possible fraud or shoddy construction work and repair using my Office of Consumer Protection Hotline at 1-888-432-9257.”

More information on protecting yourself from scams: <http://migration.kentucky.gov/Newsroom/ag/twaddleplea.htm>