



KENTUCKY

General News



October 2012

Attorney General, State Officials Gaining Ground in Fight Against Prescription Drug Abuse

Ten pain clinics have shut their doors, 35 physicians have been disciplined for prescribing violations and for the first time in a decade fewer controlled substances, like hydrocodone and oxycodone, are being prescribed in Kentucky. These are just a few of the milestones following implementation of Kentucky's landmark prescription drug abuse legislation on July 20, 2012.



"House Bill 1 has solidified our longstanding relationship with other front-line agencies and provided us with a unified front as we combat one of the most serious threats facing our state," said Attorney General Jack Conway.

Under a Memorandum of Understanding (MOU), General Conway's office is working hand-in-hand with the medical licensure boards, Kentucky State Police and the Cabinet for Health and Family Services to share information and identify the most egregious cases of illegal or inappropriate prescribing. The MOU, drafted by General Conway's office, also created a centralized database for the medical licensure boards to share their complaints regarding illegal or inappropriate prescribing with law enforcement.

General Conway's office is also working with state and law enforcement partners to address some of the unintended consequences of HB 1 and will be taking a look at exemptions for long-term care facilities and in-patient hospital services.

"Our goal is to weed out the very bad actors and ensure patients have the best care possible," General Conway said.

General Conway is also continuing to work closely with local law enforcement through his statewide drug diversion task force to go after rogue pain clinics and unscrupulous doctors. Since launching his Keep Kentucky Kids Safe program in 2010 with concerned parents, state partners and law enforcement agencies, General Conway has traveled to middle and high schools across the state, educating more than 15,000 students about the dangers of abusing prescription pills.

Keep Kentucky Kids Safe Annual PSA Contest Underway

Kentucky's middle and high school students have an opportunity to have their voices heard on the subject of prescription drug abuse through General Conway's annual Keep Kentucky Kids Safe public service announcement (PSA) contest. Students are asked to create a 30-second video PSA on the perils of prescription drug abuse. The deadline for entries is Dec. 7, 2012. The winner will receive an Apple iPad generously donated by the National Association of Drug Diversion Investigators (NADDI). Details are available at <http://ag.ky.gov/rxabuse>.

For more information on the PSA contest and General Conway's efforts to combat prescription drug abuse, please see his latest monthly column <http://ag.ky.gov/bio/Documents/2012-10.pdf>.



Attorney General Conway Announces \$69 Million E-Book Settlement

Kentucky consumers who purchased e-books from Hachette Book Group (USA), HarperCollins Publishers L.L.C or Simon & Schuster Inc. between April 1, 2010 and May 21, 2012 are eligible for compensation under a \$69 million national settlement with the publishers to resolve allegations of price fixing in the e-book market. Qualifying consumers should have received an email notification in October from the retailer where they purchased their e-book.

“I want to ensure Kentucky consumers receive the restitution they are owed as a result of this collusion and that moving forward, e-book retailers offer competitive pricing,” said General Conway.

Approximately \$700,000 of the settlement is allotted to eligible Kentucky consumers. Additional information about the settlement and the credits can be found at EBookAGSettlements.com.



Kentucky Joins in \$95 Million Settlement With Drug Giant Over Kickbacks, Off-Label Marketing

Pharmaceutical giant Boehringer Ingelheim Inc. (BIPI) has agreed to pay participating states and the federal government \$95 million to settle allegations that it paid kickbacks and engaged in off-label marketing campaigns to promote some of its drugs. Specifically, the settlement resolves allegations that BIPI unlawfully marketed Aggrenox, Combivent, Atrovent and Micardis for a variety of non-FDA approved indications.

“Drug companies that market their products for off-label purposes are breaking the law and putting the public’s health at risk,” said Attorney General Conway. “I am pleased that Kentucky was able to participate in this settlement and that BIPI has agreed, as per a Corporate Integrity Agreement required under the settlement, not to engage in this type of deceptive behavior in the future.”

Under the settlement, Kentucky will receive nearly \$811,000 in recoveries. After reimbursing the federal government for its share, Kentucky will retain more than \$255,000 for reimbursement of the state’s Medicaid program.

Since Attorney General Conway took office in January of 2008, his Office of Medicaid Fraud and Abuse Control has recovered or been awarded more than \$260 million for the state and federal Medicaid programs.

The Attorney General’s Tip Line for reporting allegations of Medicaid fraud is 1-877-228-7384.

Former Perry County Sheriff’s Department Clerk Arrested over Missing Funds



Attorney General Conway and his Department of Criminal Investigations (DCI) announced the indictment and arrest of a former Perry County Sheriff’s Department Clerk after an audit found nearly \$600,000 in missing funds from the sheriff’s department. Sixty-one-year-old Lana Dean of Hazard turned herself over to the Perry County Sheriff’s Department on October 12, 2012 following her indictment on one count of abuse of public trust over \$100,000.

The charges were the result of an investigation by General Conway’s DCI Unit that began in December 2011 after an audit by the Kentucky Auditor of Public Accounts uncovered \$590,000 in missing franchise taxes between 2002 and 2006.

More information — <http://goo.gl/NzJrI>

Attorney General Conway and City of Louisville Partner for Free Shredding Event

Attorney General Conway and the City of Louisville’s Metro Public Works Department teamed up again to help protect local residents from identity theft. On October 3, 2012, residents dropped off 35 tons of personal and confidential documents to be shredded and recycled as part of an annual free shredding event.

“Identity theft continues to be one of the fastest-growing crimes in America,” General Conway said. “By taking advantage of this free shredding service, consumers can ensure that documents containing their personal information, such as bank accounts, credit-card information or Social Security numbers, do not fall into the wrong hands.”

Shred-It, a local shredding company, made the event possible by donating its services and equipment. General Conway also partnered with the Better Business Bureau to host free shredding events in Lexington.



Additional Tips to Prevent Identity Theft

- ▶ Do not keep Social Security cards in your wallet or purse.
- ▶ Never give personal information to a stranger over the phone, Internet or via email.
- ▶ Do not store credit card numbers on shopping websites.
- ▶ Shred all documents containing personal information.
- ▶ Check credit reports, bank statements and credit card statements often for irregularities.

For additional information, or if you believe you are a victim of identity theft, contact the Attorney General's Consumer Protection Hotline at 1-888-432-9257 or visit <http://ag.ky.gov/idtheft>.



Richmond Man Sentenced to Nine Years in Child Pornography Case

A Richmond, Ky. man faces nine years in prison after pleading guilty to one count of receipt of child pornography. Chief U.S. District Judge Karen Caldwell sentenced 37-year-old James Rogers, a former Richmond police officer, following an investigation by Attorney General Conway's Cybercrimes Unit, with assistance from Kentucky State Police and the FBI. Rogers also faces a lifetime term of supervised release and must register as a lifetime sex offender.



General Conway's Cybercrimes Unit launched an undercover investigation of Rogers on November 19, 2011. Investigators found more than 26,000 child pornographic images on computers removed from Rogers' home.

Prosecution of the case was handled by the office of Kerry B. Harvey, U.S. Attorney for the Eastern District of Kentucky.

Christian County Man Convicted for Possession of Child Pornography

A Christian County jury found 27-year-old Michael Myers, a former Fort Campbell soldier from Oak Grove, Ky., guilty on October 2, 2012 on 12 counts of possession of matter portraying a sexual performance by a minor, a Class D felony. The charges against Myers were the result of an undercover investigation initiated by Attorney General Conway's Cybercrimes Unit in September of 2009.



"I am grateful for the work that my Cybercrimes investigators do every day to make the Internet a safer place for Kentucky kids. It's cases like these that have made our Cybercrimes Unit a national model" General Conway said.

Prosecution of the case was handled by Lynn Pryor, Commonwealth's Attorney for the 3rd Judicial Circuit representing Christian County.

"I am very pleased that the jury recognized that the defendant intentionally downloaded photographs and videos of child sexual abuse," said Pryor. "It is very important that justice is served for the children who were violated and abused in the making of these pornographic materials. Those who download and distribute child pornography re-victimize these children in a very public and horrific manner. Someone has to speak up for them—thank you to the Office of the Attorney General for doing that."

The jury has recommended a sentence of one year per count to run concurrently. Myers will be sentenced on December 5, 2012.

More information — <http://goo.gl/TTzBZ>

Since its creation in June of 2008, General Conway's Cybercrimes Unit has launched nearly 300 child pornography investigations and seized approximately 350,000 child pornographic images and videos from the Internet. The unit is also a member of the Internet Crimes Against Children (ICAC) Task Force.