



KENTUCKY

# General News

September 2010

## Attorney General Conway & Partners Launch Statewide Prescription Drug Abuse Education Effort

With nearly 200 students at Frankfort's Western Hills High School in attendance, Attorney General Jack Conway and his partners launched a statewide education and information initiative on Sept. 9 to alert Kentucky families to the dangers of prescription drug abuse.



"Prescription drug abuse is a problem that is devastating families in every corner of the Commonwealth," General Conway said. "With easy access to their parents' medicine cabinets, kids today are becoming drug addicts in their own homes."

General Conway's partners in this effort are the Kentucky Justice Cabinet and its Office of Drug Control Policy, the Kentucky Pharmacists Association, National Association of Drug Diversion Investigators (NADDI), Operation Unlawful Narcotics Investigations, Treatment and Education (UNITE) and concerned parents, like Dr. Karen Shay, a dentist in Morehead.

"I look forward to working with Attorney General Conway and the other agencies in alerting families to the devastating consequences of prescription drug abuse," said Shay, whose daughter Sarah died from a prescription drug overdose. "No family should have to endure what we've gone through since losing Sarah."

Public Awareness Initiative Includes:

- ▶ School presentations to educate teens about the dangers of rx abuse
- ▶ Produced a video featuring two mothers who lost daughters to drug overdoses
- ▶ Statewide PSA competition for high school and middle school students
- ▶ Informational posters to be distributed to Kentucky pharmacies
- ▶ Created a prescription drug abuse education page on General Conway's website.



For more information on the statewide prescription drug abuse education initiative, visit <http://ag.ky.gov/rxabuse>.

## General Conway Supports DEA's first-ever Nationwide "Take-Back" Day

The first-ever nationwide prescription drug "Take-Back" day was a success with Kentucky law enforcement agencies collecting more than 3,500 lbs of prescription pills on Sept. 25. General Conway's Prestonsburg office was among the more than 70 take-back sites across the Commonwealth.

"I appreciate the thousands of Kentuckians who cleaned out their medicine cabinets in support of this important event," General Conway said. "By safely disposing of unneeded or expired prescription drugs, we can reduce the threat these medications pose to our families and particularly our kids."

General Conway assisted law enforcement dispose of pills turned in to a collection site in Louisville's south end.

Since January 2008, General Conway's Drug Investigations Branch has opened 365 cases, made 118 arrests, seized nearly 4,400 prescription pills and participated in a dozen drug round-ups including the largest drug sweep in Kentucky history.



Kentucky Attorney  
General  
Jack Conway



## Students of Failed Law School to get \$3.6M in Loan Relief

Attorney General Conway has announced an agreement with Student Loan Xpress, Inc. (SLX) that will result in an estimated \$3.6 million reduction in the loan obligations for students who attended now bankrupt West Kentucky law school. An Assurance of Voluntary Compliance (AVC) entered in Franklin Circuit Court also marks the end of an investigation by the Attorney General's Office.

"As we investigated this case over many months, we found dozens of students who were obligated to pay thousands of dollars in student loans for academic credits that didn't transfer," General Conway said. "There was an overall pattern of abuse by the lender that ignored federal and state consumer protection requirements and put students in a financial bind before they even started their careers."

The average loan reduction per student is \$25,000 and ranges from \$1,000 to as much as \$75,000. Borrowers must apply to have their loan restructured pursuant to a claims process that will begin once the borrower receives a notification from SLX within the next 90 days.

The Assurance of Voluntary Compliance is not a finding or an admission of any violation by SLX but constitutes a legally binding resolution of the matter.

More information — <http://tinyurl.com/2a4d8tf>



## Lexington Residents Take Advantage of Free Shred Day

A free shred day sponsored by the Office of the Attorney General, Better Business Bureau of Central and Eastern Kentucky, Lowe's Home Improvement and Shred-All Documents resulted in the shredding of more than 9,200 lbs of personal documents for Lexington residents.

"I'm pleased that my office could be a partner in this important initiative," General Conway said. "Identity theft is one of the fastest-growing crimes in America and has cost consumers nearly \$5 billion over the past five years. It is more important than ever to destroy documents that contain personal information."



Stolen physical paperwork accounts for nearly half of all identity theft in the U.S. according to officials from Shred-All documents. For more information on how to protect yourself against identity theft, visit <http://ag.ky.gov/idtheft> or the BBB at <http://bluegrass.bbb.org>

## Guilty Verdict for Nelson County Man on Drug Trafficking Charges



A Nelson County jury convicted 34-year-old William Louis Rogers, Jr. on two counts of trafficking in controlled substances first degree, one count of illegal possession of cocaine and illegal possession of drug paraphernalia.

After hearing evidence of Rogers' extensive criminal history, including multiple past convictions for trafficking cocaine, the jury returned penalty verdicts finding Rogers guilty of being a Repeat Offender under the Controlled Substances Act, and for being a Persistent Felony Offender in the first degree.

Rogers was arrested after repeatedly selling a quantity of cocaine to an informant working with agents from the Bardstown Police Department, Nelson County Sheriff's Department and the Greater Hardin County Narcotics Task Force. After executing a search warrant at Rogers' home, investigators found a room containing digital scales, baggies and further hidden quantities of cocaine packaged for sale.

General Conway's Office of Special Prosecutions handled the prosecution of this case at the request of the Nelson County Commonwealth's Attorney.

The jury has recommended 20 years on each of the trafficking counts and 10 years for possession of cocaine to run concurrently for a total recommended sentence of 20 years. As a persistent felony offender first degree, Rogers will have to serve at least 10 years in prison before he is eligible for parole. He is scheduled to be sentenced on October 21, 2010 at 9 a.m. in Nelson Circuit Court.



## MEDICAID FRAUD & ABUSE

### **Kentucky to Receive \$3.9 M Under Settlement with Global Drug Maker Novartis**

Attorney General Conway has announced a settlement with global drug maker Novartis over allegations of improper marketing of the epilepsy drug Trileptal. Under the terms of the settlement, Novartis agreed to pay \$422.5 million in civil and criminal charges, fines and penalties to resolve claims brought by the federal government, Kentucky and other participating states that Novartis caused false claims to be submitted to the Medicaid program.

Kentucky's Medicaid program will receive \$3.9 million as part of the settlement.

"Drug companies that falsely market their products put public health at risk and take millions of dollars out of taxpayers' pockets," General Conway said. "I am pleased that this settlement allows us to recover funds for a vital state program."

In recent weeks, Attorney General Conway also announced settlements with Forest Laboratories, Schwarz Pharmaceuticals and Botox manufacturer Allergan USA over allegations of deceptive and illegal marketing of their products. As a result of these settlements, Kentucky's Medicaid program has received nearly \$4.7 million.

Since General Conway took office in January 2008, his Office of Medicaid Fraud and Abuse Control has recovered or been awarded more than \$141 million for the state and federal Medicaid programs. These cases range from lawsuits and settlements against pharmaceutical companies to cases against individual providers.

### **Five Former Oakwood Caregivers Charged With Abuse Following Attorney General's Investigation**

An investigation by Attorney General Conway's Office of Medicaid Fraud and Abuse Control has resulted in charges against five former caregivers at Communities of Oakwood in Pulaski County, Ky. All were charged on September 22, 2010 with Reckless Abuse of a Vulnerable Adult and Failure to Report Abuse under KRS 209 following the abuse of a mentally disabled resident in August of this year.

Charged in the case were 21-year-old Michael Whitaker of Mt. Vernon, 21-year-old William Keene of Somerset, 21-year-old Joshua Walters of Bronston, 22-year-old Robert Carosello of Ferguson and 21-year-old Brandon Cameron of Somerset. All are former caregivers at the intermediate care facility for persons with mental disabilities in Somerset.

The complaints allege that on or about August 17, 2010, the defendants unreasonably confined a mildly mentally disabled resident in a room at Oakwood. Once inside the room, the defendants recklessly inflicted injuries on the victim including bruising to his torso and neck. None of the defendants notified the Cabinet of Health and Family Services of the suspected abuse immediately as required by KRS 209.030.

The Department of Community Based Services and the Office of the Inspector General assisted in the investigation.

### **Three Former Madison County Caregivers Indicted in Abuse Case**

Three former Madison County caregivers have been indicted in connection with the abuse of a mentally disabled man at Independent Opportunities, Inc. in Richmond, Ky.

A Madison County grand jury charged 62-year-old Patsy Jackson, of Mt. Sterling, with reckless abuse of a vulnerable adult under KRS 209.990(4), a Class A misdemeanor, for an incident that occurred on September 21, 2009. It is alleged that Jackson abused a mentally challenged victim by slapping him in the face. Jackson's indictment was returned on September 15, 2010.

The grand jury returned two more indictments on September 22, 2010 against Hosea Farris and Verna Campbell. Farris was indicted for criminal attempt to knowingly abuse an adult under KRS 209.990(2), a Class A misdemeanor. In that case, it is alleged that Farris both slapped and pulled the hair of the same mentally challenged victim during an incident occurring on September 22, 2009.

Campbell was indicted for knowingly abusing a vulnerable adult under KRS 209.990(2), a Class C felony. Campbell is alleged to have abused the same mentally challenged victim by pushing him into the shower, subjecting him to hot and cold shower temperatures, spraying him in the mouth and nose with water, forcing him onto a changing table, and raking her shoes across his bare feet causing red marks on his arms and feet.

Investigators from Attorney General Conway's Office of Medicaid Fraud and Abuse Control investigated all three cases.



# CYBERCRIMES

## Georgetown Man Faces 105-Count Indictment in Child Pornography Case

Attorney General Jack Conway and his Cybercrimes Unit have announced the indictment and arrest of a Georgetown man for possession of child pornography. A Scott Circuit Court grand jury indicted 32-year-old Michael Fields on September 1, 2010 on 105 counts of possession of matter portraying a sexual performance by a minor, a Class D felony.

The Scott County Sheriff's Department arrested Fields on September 18. He was lodged in the Scott County Detention Center on a \$50,000 full cash bond.

Fields' arrest and indictment follow an investigation by General Conway's Cybercrimes Unit. The office of Gordie Shaw, Commonwealth's Attorney for the 14th Judicial Circuit, will handle the prosecution of the case.

Since its creation in June of 2008, Attorney General Conway's Cybercrimes Unit, a member of the Internet Crimes Against Children Task Force, has launched more than 160 child pornography investigations and seized more than 77,000 child pornographic images and videos.

A charge is merely an accusation and a defendant is presumed innocent until and unless proven guilty.