

UNITED STATES DISTRICT COURT

FILED

FILED

for the District of Connecticut

2019 JUL 31 P 2:53

United States of America

v.

Jennifer FARRELL

2019 JUL 31 P 5:19
U.S. DISTRICT COURT
NEW HAVEN, CT

U.S. DISTRICT COURT
NEW HAVEN, CT.

Case No.

3:19mj1241(RMS)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 2 and March 11, 2019 in the county of New Haven in the District of Connecticut, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
21 U.S.C. Sections 841(a)(1) and 841(b)(1)(C)	Distribution of Narcotics (outside the scope of professional practice and not for legitimate medical purpose)

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT OF SPECIAL AGENT DANIEL D. CURTIN

Continued on the attached sheet.



Complainant's signature

SPECIAL AGENT DANIEL D. CURTIN

Printed name and title

Sworn to before me and signed in my presence.

Date: 07/31/2019

/s/ Robert M. Spector

Judge's signature

City and state: NEW HAVEN, CONNECTICUT

ROBERT M. SPECTOR, U.S. MAGISTRATE JUDGE

Printed name and title

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

IN THE MATTER OF THE APPLICATION
OF THE UNITED STATES OF AMERICA
FOR A CRIMINAL COMPLAINT AND
ARREST WARRANT

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Misc. No. 3:19mj1241 (RMS)
ss: New Haven, Connecticut
July 31, 2019

Filed Under Seal

AFFIDAVIT IN SUPPORT OF APPLICATION FOR
CRIMINAL COMPLAINT AND ARREST WARRANT

I, Daniel D. Curtin, being duly sworn, do state that:

I. INTRODUCTION

1. I am a Special Agent with the Federal Bureau of Investigation (FBI), where I have been employed since July 1991. I am currently assigned to a squad in the New Haven Division of the FBI that investigates a variety of white collar crimes, including health care fraud. I have a Bachelor of Arts degree and a Juris Doctorate degree and am licensed to practice law in the Commonwealth of Massachusetts and the State of Connecticut.

2. As a Special Agent with the FBI, my current duties include investigating allegations of health care fraud affecting public health care benefit programs such as Medicare and Medicaid, and such fraud affecting private health insurance care programs. Many of my health care fraud investigations have involved prescription pharmacy fraud, including the diversion of narcotics. Throughout my career, I have conducted and participated in physical surveillances and undercover operations, executed arrest and search warrants, debriefed and interviewed witnesses and confidential human sources, and reviewed various forms of evidence, including claims data,

medical records, prescription drug records, and business records. Through my training, education, and experience, I have become familiar with a variety of health collar fraud schemes to include schemes involving both public and private health benefit programs and the diversion of narcotics from hospitals and private medical practices.

3. I am an investigative or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510(7) in that I am empowered by law to conduct investigations of and to make arrests for federal felony offenses, including but limited to controlled-substances offenses. I am an investigator responsible for the ongoing investigation of JENNIFER FARRELL, M.D., a former second-year resident physician in the Emergency Medicine Department at Yale New Haven Hospital (“YNHH”) who was licensed in the State of Connecticut, at all times relevant to this affidavit.

4. I base this affidavit upon my personal knowledge and upon information and documents provided to me by other investigators assigned to this investigation. I have not included each and every fact known to me of the investigation; rather, I have submitted sufficient information to establish probable cause for the requested order.

5. I submit this affidavit in support of criminal complaint and arrest warrant for **JENNIFER FARRELL** for Distribution of Narcotics (outside the scope of professional practice and not for a legitimate medical purpose) in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

II. INVESTIGATION BACKGROUND

6. The Controlled Substance Act (“CSA”), 21 U.S.C. § 801 et seq. and its implementing regulations, govern the possession, manufacture, distribution, dispensing, administering, and

prescribing of controlled substances within the United States. The CSA provides that a prescription for a controlled substance must be issued for a legitimate medical purpose by a practitioner acting in the usual course of her professional practice.

7. Under the CSA, there are five schedules of controlled substances—Schedules I, II, III, IV, and V. Controlled substances are scheduled into these level based upon their potential for abuse, among other things. Oxycodone is the generic name for an addictive prescription painkiller that is classified under the CSA as a Schedule II controlled substance.

8. The CSA further provides that all persons who issue prescriptions for controlled substances must be registered with the DEA at any location where controlled substances are stored, dispensed or administered. If a practitioner does not store, administer, or dispense controlled substance, she is required to be registered at her primary business location where prescriptions for controlled substances are written.

9. Beginning in mid-2017 when FARRELL became a resident at YNHH and at all times relevant to this affidavit, FARRELL had a 4-digit suffix code to use with YNHH's DEA number, which allowed her to write prescriptions for controlled substances. In addition, beginning in mid-July 2017 and at all times relevant to this affidavit, FARRELL was licensed as a (i) Resident Physician by the State of Connecticut, Department of Public Health (license #59392), and (ii) Controlled Substance Practitioner by the State of Connecticut, Department of Consumer Protection, Drug Control Division for Schedule II, III, IV and V controlled substances. According to state records FARRELL voluntarily surrendered her Connecticut Controlled Substance Certificate of Registration on June 25, 2019 and her state licenses are currently inactive. FARRELL is no longer employed at YNHH.

10. This investigation involves FARRELL's prescribing of Oxycodone, a controlled substance, outside the scope of professional practice and not for legitimate purposes, including by prescribing Oxycodone without a medical examination of the patient and confirming conditions that would medically require treatment using the drug.

III. FACTS AND CIRCUMSTANCES ESTABLISHING PROBABLE CAUSE

11. On or about March 2, 2019, ("Individual 1") received a text notification from Walgreens Pharmacy located at 1471 Whalley Avenue, New Haven alerting her that a prescription issued in her name was ready for pickup. Individual 1 had not seen a doctor recently and did not expect a prescription, so she believed this notification was a mistake. Individual 1 went to the pharmacy but was informed that there was no prescription waiting for her.

12. On or about March 11, 2019, Individual 1 received another automated text message from the Walgreens Pharmacy located at 1471 Whalley Avenue. The message stated that her prescription was ready and available for pickup. Individual 1 called the Walgreens and spoke with a pharmacist there. The pharmacist informed Individual 1 that a prescription for Oxycodone 30mg had been filled under her name and that a black female had retrieved the prescription. The prescriber's comments stated: "Diagnosis code: Motorcycle Crash." Individual 1 told the pharmacist that she had not been riding a motorcycle. Individual 1 believed that her friend, ("Individual 2") picked up the prescription; the pharmacist confirmed that it was Individual 2 and that she had used an out-of-state identification to obtain the prescription. Individual 1 texted Individual 2 who admitted that she picked up the prescription.

13. Individual 1 reported the conduct to the New Haven police. The Walgreen's pharmacist reported the incident to DEA Diversion Investigators who also began investigating the conduct.

14. The Walgreens pharmacist provided law enforcement with, among other things, the name of the prescribing physician (Jennifer Farrell) and a copy of Individual 2's identification.

15. During the course of the investigation, law enforcement learned that on or about March 2, 2019, Individual 2 picked up another oxycodone prescription in Individual 1's name written by FARRELL. Individual 1 confirmed that FARRELL did not perform a medical examination of Individual 1 prior to this prescription.

16. On or about May 3, 2019, Individual 1 spoke with DEA Diversion Investigators. Individual 1 told the investigators that she had not been treated by FARRELL. Individual 1 stated that Individual 2 confirmed that she had picked up the prescription and admitted that she would pay the doctor to write oxycodone e-prescriptions and would also give some of the pills to the doctor. Individual 1 stated that Individual 2 had also admitted to using the names of two other people who Individual 1 and Individual 2 knew to obtain fraudulent e-prescriptions.

17. At this same interview, Individual 1 told investigators that on or about March 12, 2019, FARRELL called her, asked her to fabricate a story about the prescription and told her that Individual 1 was now a perpetrator in the fraudulent prescription scheme. Individual 1 replied that FARRELL had never treated Individual 1 and that they would not recognize each other if they passed each other on the street. Individual 1 believed that FARRELL accessed her medical history and suggested they cite past injuries as a reason why FARRELL prescribed Individual 1 oxycodone. FARRELL also told Individual 1 that FARRELL could claim she lost her hospital issued telephone which can be utilized to sign electronic prescriptions and that they could say an unknown third party was using her phone to complete medical prescriptions. FARRELL also claimed that she thought Individual 1 was Individual 2's sister and that Individual 1 was aware of

the prescriptions being written in her name. FARRELL also told Individual 1 that she was using the profits from providing the e-prescriptions to care for her sick husband.

18. As part of this investigation, Diversion Investigators also spoke to several employees at YNHH. Investigators learned the following:

- a. The four-digit suffix assigned to each prescriber makes it impossible to write prescriptions anonymously.
- b. All prescriptions written by residents, including FARRELL, must be approved by the attending physician responsible for supervising the resident.
- c. YNHH has a dual mobile system for prescriptions. The resident places a prescription electronically on a computer. The computer then sends a notification to an application called Mobile Heartbeat on the resident's phone for verification. Once the resident verifies the prescription, the prescription still needs to be approved by the attending physician.
- d. YNHH identifies patient interactions as either "open" or "closed" encounters. While a patient is in the hospital, the encounter is considered "open." After a patient is discharged from the YNHH emergency room, the encounter remains "open" for 24 hours and then becomes "closed." In investigating FARRELL's prescription history, YNHH discovered that the system erroneously allowed her to write prescriptions for "closed" encounters without the usual requisite attending physician approval. YNHH determined that FARRELL capitalized on this apparent loophole in the system, using patients whose encounters were "closed" to write multiple fraudulent oxycodone prescriptions.

e. YNHH provided investigators with eight patient names it believed FARRELL used to write fraudulent oxycodone prescriptions.

19. A review of approximately seventy oxycodone prescriptions written by FARRELL for these eight names, revealed that FARRELL did not get approval from her supervising physician for these prescriptions; she either did not provide the name of a supervising physician on the prescription or signed as both resident and supervising physician.

20. As part of this investigation, I also learned that on or about March 2, 2018, during the course of an investigation into a dark web narcotics distribution organization, law enforcement intercepted a package addressed to FARRELL containing 101 Oxycodone Hydrochloride pills. Law enforcement contacted FARRELL who claimed that she did not order these pills.

21. From approximately November 2017 through March 2018, FARRELL received a total of approximately ten packages, including the package described above, from what is believed to be a dark web narcotics distribution organization.

22. As part of this investigation, I also learned that on or about July 16, ²⁰¹⁹ as part of an investigation into a dark web narcotics distribution organization, law enforcement intercepted a packaged addressed to FARRELL containing ten fentanyl pills. On or about July 25, 2019, law enforcement agents spoke with FARRELL who admitted that she ordered from the dark web this package and approximately 12 other packages (including the ten described in paragraph 21).

IV. CONCLUSION

23. As set forth above, there is probable cause to believe, and I do believe that on or about March 2 and March 11, 2019, FARRELL committed the offense set forth herein, and therefore I respectfully request the issuance of the specified criminal complaint and arrest warrant.



DANIEL D. CURTIN
FBI, SPECIAL AGENT

Sworn to and subscribed before me on this 31st day of July, 2019.

/s/ Robert M. Spector

HON. ROBERT M. SPECTOR
UNITED STATES MAGISTRATE JUDGE