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NEWS RELEASE

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Paul J. McNulty, United States Attorney for the Eastern District of Virginia, announced that William Eliot Hurwitz, age 59, of McLean, Virginia, was sentenced today in the United States District Court in Alexandria. The Honorable Leonard D. Wexler sentenced Hurwitz to 25 years imprisonment and ordered him to pay a fine of \$1 million for his conviction on illegal drug distribution charges.

On July 27, 2004, a federal grand jury charged Hurwitz with a 62 count superseding indictment alleging the following violations: drug trafficking conspiracy to distribute oxycodone and other pain medications; drug trafficking resulting in death and serious bodily injuries; substantive counts of drug trafficking in pain medications; engaging in a continuing criminal enterprise; health care fraud; and criminal forfeiture.

On December 15, 2004, Hurwitz was convicted, following a six-week jury trial, of 50 counts of illegal drug distribution, including, conspiracy to distribute controlled substances, and charges related to drug trafficking that resulted in one death and serious bodily injury to others. The jury also returned a special verdict that Hurwitz had committed an offense by abusing a position of public and private trust and using a special skill in facilitating the commission and concealment of the offense.

The Hurwitz case, which involved a pain management practice that was simply out of control, was a key part of an Organized Crime and Drug Enforcement Task Force ("OCDETF") investigation (Operation "Cotton Candy"), which has been focusing on the illegal distribution by approximately 60-80 doctors, pharmacists, and patients, of pain medication including the very potent, expensive, and widely-abused oxycodone, also known as "OxyContin." This OCDETF investigation has secured over 50 convictions, pleas, or commitment to guilty pleas from cooperating dealers, many of whom were patients of Hurwitz and testified at his trial.

The evidence at trial clearly showed that Hurwitz knew that patients were selling and distributing his prescribed pills. In addition, Hurwitz's patients would schedule monthly meetings with the defendant. Hurwitz would regularly perform perfunctory exams, if at all, and rubber stamp and facilitate the patients' insatiable demand for excessive and obscene amounts (e.g., 1,600 pills per day) of Oxy or other pills. Despite deliberate ignorance and actual

knowledge of obvious patient abuse, misuse, diversion, and illegal distribution of prescribed drugs, Hurwitz continued to issue prescriptions. The patients would get their prescriptions filled by pharmacists, who were recommended by Hurwitz, and then abuse the pills and distribute them to countless others.

DEA Administrator Karen P. Tandy said, “DEA remains committed to striking a balance between promoting pain relief for patients in need and preventing abuse of pain medications. There has been no change in our enforcement strategy, and doctors should remain confident in their ability to treat patients in pain. On the other hand, for doctors like Dr. Hurwitz, DEA will not shy away from its enforcement policies. Dr. Hurwitz was one of a very small number of doctors who grossly abused his authority, recklessly exploiting the term ‘pain treatment’ to deal street narcotics like a common drug dealer.”

United States Attorney Paul J. McNulty called the verdict “a major achievement in the government’s efforts to rid the pain management community of the tiny percentage of doctors who fail to follow the law and prescribe to known drug dealers and abusers. The defendant’s actions were egregious at best and caused at least one death, several nonfatal overdoses, and countless addicted patients. Hundreds of communities have been devastated by the abuse of these powerful painkillers, and this destruction begins with doctors who willingly conspire with drug traffickers.”

Operation “Cotton Candy” involved the joint efforts of the DEA, FBI, BATF, HHS, the Pentagon’s OIG, IRS, HIDTA, and Fauquier, Loudoun, Fairfax, Prince William and Culpeper County police departments. It was prosecuted by Assistant United States Attorneys Gene Rossi and Mark Lytle. Assistant United States Attorney Karen Taylor handled the forfeiture portion of the prosecution.

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