



U. S. Department of Justice

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**DESTIN PHYSICIAN CONVICTED OF FRAUD,
ILLEGAL DISTRIBUTION OF CONTROLLED SUBSTANCES**

PENSACOLA, FLORIDA - Thomas F. Kirwin, United States Attorney for the Northern District of Florida announced today the conviction of Destin physician David Willis Webb (68) of 36 counts of health care fraud, 90 counts of illegal distribution of controlled substances, and two counts of conspiracy to commit those offenses. He was also convicted of two counts of identity theft. He was also found responsible for the deaths of three of his patients that resulted from his commission of health care fraud, conspiracy, and distribution of controlled substances.

The convictions came at the conclusion of a two-week jury trial in the United States District Court in Pensacola, Florida. The evidence at trial showed that between 2002 and 2007, Dr. Webb, the owner operator Destin Primary Care Clinic and Doctors on Call in Destin, prescribed highly controlled narcotics, sedatives, and stimulants in quantities and dosages that caused patients to abuse, misuse, and become addicted to these drugs. The substances the defendant frequently prescribed included oxycodone, hydrocodone, fentanyl, alprazolam, triazolam, and dextroamphetamine, better known by their brand names, Oxycontin, Percocet, Lorcet, Vicodin, Lortab, Duragesic, Xanax, Halcion, and Adderall. Even after his patients suffered overdoses or were admitted to drug rehabilitation programs to recover from their addictions to these drugs, the defendant continued to prescribe these patients the same drugs they had been addicted to. Between 2003 and 2005, two of the defendant's patients died of overdoses of the drugs he had been prescribing. Evidence introduced at trial indicated that one of these patients had been injecting drugs intravenously during the period that she was the defendant's patient and had two separate surgeries to replace heart valves damaged as a result of heart infections she suffered from intravenous drug use. Although the defendant was aware of the heart infections and surgeries, he made no effort to obtain medical records pertaining to the patient's heart condition and continued to prescribe the patient oxycodone. A third patient committed suicide by taking fatal doses of prescription drugs from the defendant along with other drugs and alcohol.

The evidence showed that the defendant failed to monitor his patients' use of drugs even after he had been alerted that the patients were abusing drugs. The defendant also failed to document the

patients' files with sufficient medical justification for prescribing the drugs. In the case of more than one hundred of the patients to whom the defendant prescribed controlled substances, agents were able to find no evidence that the defendant kept any patient file at all.

For a thirty-day period between April and May 2005, the defendant was suspended from the practice of medicine for misconduct arising from his prescribing of controlled substances over the internet to patients he had never seen. During his thirty-day suspension, the defendant continued to see patients and prescribe them controlled substances even though he was prohibited by the Department of Health from doing so. When pharmacists became aware of the defendant's suspension and refused to honor his prescriptions, the defendant used, without her consent, the DEA number of another physician to continue to prescribe controlled substances to his patients. In the summer of 2005, the physician filed a complaint advising the Board of Health that the defendant had fraudulently used her DEA registration number to prescribe drugs while he was suspended from practice.

During the pendency of the Board of Health complaint, and even after law enforcement served a search warrant on his home and office, the defendant continued to prescribe controlled substances to his patients without a legitimate medical purpose. In April 2007, another of the defendant's patients died of an overdose of hydrocodone that the defendant had prescribed shortly before the patient's death.

The defendant faces a sentence of twenty years' to life imprisonment for distribution of controlled substances resulting in death and conspiracy to commit that offense, a maximum sentence of ten years' imprisonment for fraud, a maximum sentence of twenty years' imprisonment for drug distribution, and a maximum sentence of life imprisonment for commission of a health care fraud offense resulting in death. Sentencing is scheduled for December 22, 2009, before the Honorable Lacey A. Collier.

In praising the jury's verdict, Mr. Kirwin stated, "In well over half of the 8556 drug-related deaths in Florida last year, the decedents had one or more prescription drugs in their system. The top two drugs that caused the most deaths in Florida were the drugs frequently prescribed by Dr. Webb to patients who were the subjects of the indictment: oxycodone and benzodiazepines. Of the 929 deaths statewide attributed to benzodiazepines last year, 705 were caused by alprazolam overdoses. Prescription drug abuse is a nationwide epidemic and this Office will continue to vigorously investigate and prosecute those physicians who operate outside the usual course of medical practice to fuel that epidemic."

Mr. Kirwin commended the dedication and tenacity of the North Florida Health Care Fraud Task Force, the Federal Bureau of Investigation, the Drug Enforcement Administration, the National Drug Intelligence Center, the Defense Criminal Investigative Service, the Florida Department of Law Enforcement, the Florida Department of Financial Services, the Florida Attorney General's Medicaid Fraud Control Unit, the Florida Department of Health, the Okaloosa County Sheriff's Office, and the Walton County Sheriff's office, whose joint investigation led to today's conviction. Mr. Kirwin also praised the many pharmacies in Okaloosa and Walton Counties, whose assistance and cooperation made this investigation possible. The case was prosecuted by Assistant United States Attorney Karen Rhew-Miller.