

8	9-20-05	J.M.	III	Lortab (dihydrocodeine)
9	9-20-05	J.M.	II	Adderall (amphetamine)
10	6-24-05	T.A.	II	Adderall (amphetamine)
11	7-25-05	T.A.	II	Adderall (amphetamine)
12	8-24-05	T.A.	IV	Xanax (alprazolam)
13	8-24-05	T.A.	III	Lortab (dihydrocodeine)
14	8-24-05	T.A.	II	Adderall (amphetamine)
15	9-22-05	T.A.	II	Adderall (amphetamine)
16	9-22-05	T.A.	IV	Xanax (alprazolam)
17	6-20-05	S.F.	III	Lortab (dihydrocodeine)
18	6-20-05	S.F.	IV	Xanax (alprazolam)
19	7-19-05	S.F.	III	Lortab (dihydrocodeine)
20	7-19-05	S.F.	IV	Xanax (alprazolam)
21	8-10-05	S.F.	III	Lortab (dihydrocodeine)
22	10-10-05	S.F.	IV	Xanax (alprazolam)
23	10-10-05	S.F.	III	Lortab (dihydrocodeine)
24	11-10-05	S.F.	III	Lortab (dihydrocodeine)
25	11-11-05	S.F.	IV	Xanax (alprazolam)
26	11-11-05	S.F.	IV	Xanax (alprazolam)
27	12-14-05	S.F.	III	Lortab (dihydrocodeine)
28	1-9-06	S.F.	II	Concerta (methylphenidate)
29	1-23-06	S.F.	II	Concerta (methylphenidate)
30	1-23-06	S.F.	III	Lortab (dihydrocodeine)
31	1-27-06	S.F.	II	Concerta (methylphenidate)
32	2-20-06	S.F.	II	Concerta (methylphenidate)
33	2-20-06	S.F.	III	Lortab (dihydrocodeine)
34	4-18-06	S.F.	III	Lortab (dihydrocodeine)

COUNT 35

On or about the 1st day of January, 2004 through April 30, 2006, in Tulsa County, Oklahoma, DAVID P. CRASS committed the crime of Medicaid Fraud, a felony, by willfully and knowingly causing to be submitted to the Oklahoma Medicaid Program through its fiscal agent, false claims for payment for services and/or drugs which were not eligible for reimbursement due to: 1) failure to provide services during office visits and/or 2) providing prescriptions for drugs not in good faith and outside the course of professional practice, in violation of Title 56 O.S. §1005(A)(1). The aggregate amount of the false claims is an amount greater than \$2,500.00.

PENALTIES

Counts 1-34 - Distributing a Controlled Substance

Schedule II controlled substance - Imprisonment of 5 years to life and/or up to a \$100,000 fine.

Schedule III controlled substance- Imprisonment of 2 years to life and/or up to a \$20,000 fine.

Schedule IV controlled substance- Imprisonment of 2 years to life and/or up to a \$20,000 fine.

Count 35 - Medicaid Fraud

Imprisonment of not more than 3 years and/or a fine of not more than three times the amount of payments illegally claimed or received or \$10,000.00 whichever is greater.

All in violation of Oklahoma Statutes and against the peace and dignity of the State of Oklahoma.

Dated this ____ day of September, 2008

W.A. DREW EDMONDSON

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Tulsa, OK 74127

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Scott Evans
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IN THE DISTRICT COURT WITHIN AND FOR TULSA COUNTY
STATE OF OKLAHOMA

DISTRICT COURT
FILED

OCT 03 2008

SALLY HOWE SMITH, COURT CLERK
STATE OF OKLA. TULSA COUNTY

STATE OF OKLAHOMA,)
Plaintiff,)
vs.)
DAVID P. CRASS,)
Defendant.)

CF-2008-4895

AFFIDAVIT OF PROBABLE CAUSE

FOR THE ARREST WARRANT OF DAVID P. CRASS
FOR
DISTRIBUTION OF A CONTROLLED AND DANGEROUS SUBSTANCE
TITLE 63, SECTION 2-401(A) (1)
MEDICAID FRAUD
TITLE 56, SECTION 1005 (A) (1)

State of Oklahoma)
) Ss.
County of Tulsa)

I, Allen J. Collins, after having been first duly sworn and upon this oath, state as follows:

1. I, Allen J. Collins, am an Investigator for the Office of the Attorney General, Patient Abuse/Medicaid Fraud Control Unit and have been so employed for approximately fifteen years. My past experience includes fifteen years as an Agent/Inspector with the Oklahoma State Bureau of Investigation (OSBI) and seven years with the Sapulpa Police Department as an Officer/Detective. My current duties consist of investigating allegations of fraud and abuse by providers and facilities receiving Medicaid funds.
2. I have been assigned as lead and also support agent in numerous fraud and financial exploitation investigations. I have conducted independent investigation, interviewed witnesses and reviewed reports of colleagues who have conducted investigation into this matter. I am familiar with all the facts and circumstances set forth in fashion in this affidavit.

3. Information concerning excessive prescribing habits of controlled substances of Dr. David P. Crass, M.D., was received from the Drug Enforcement Agency (DEA) and the Oklahoma Bureau of Narcotics and Dangerous Drugs (OBND). After receiving information that Crass was a Medicaid Provider, a case was opened by the Oklahoma Attorney General (OAG) to work with Agents and Officers from the DEA, the OBND, the Federal Bureau of Investigation (FBI), the Department of Health and Human Services/Office of Inspector General (DHHS/OIG) and the Tulsa Police Department (TPD).
4. Controlled Substances are classified in five (5) categories; Schedules I, II, III, IV and V; depending upon their accepted medical use, potential for abuse and dependency. Controlled substances prescribed by Dr. Crass in this matter consisted of Schedule II, III and IV drugs, which have accepted medical uses but have the potential for abuse. Schedule II drugs prescribed related to these charges are Adderall (Amphetamine), Oxycontin (Oxycodone) and Percocet (Oxycodone). Schedule III drugs were Lortab (Hydrocodone) and Schedule IV drugs were Xanax (Alprazolam) and Valium (Diazepam). Soma (Carisoprodol), a prescribed drug, was also prescribed in this matter.
5. The general use for the above described controlled substances is as follows: Adderall (amphetamine) is indicated for use in patients diagnosed with Attention Deficit Hyperactivity Disorder (ADHD); Xanax (Alprazolam), Valium (Diazepam) and Soma (Carisoprodol) are anti-anxiety drugs; Lortab (Hydrocodone), Oxycontin (Oxycodone) and Percocet (Oxycodone) are used for pain.
6. The Medicaid System in Oklahoma is managed by the Oklahoma Health Care Authority (OHCA), Oklahoma City, Oklahoma. The OHCA issues contracts to Medicaid Providers, such as Dr. Crass, and pays the claims submitted by providers, such as Dr. Crass.
7. According to corporate records maintained by the Oklahoma Secretary of State, David P. Crass incorporated David P. Crass, M.D., Inc., on April 27, 1982. The corporation was reinstated and is currently in an active status with an expiration date of April 27, 2032.
8. I was assigned to a Federal and State Task Force to investigate allegations of drug diversion and Medicaid Fraud by some physicians in the Tulsa, Oklahoma, area, to include Dr. David P. Crass, M.D. During this investigation two investigators from the Oklahoma Attorney General's Office made numerous undercover office visits to the office of Dr. Crass

which was located at 1723 South Boston Avenue, Tulsa, Tulsa County, Oklahoma, in an attempt to obtain prescriptions for scheduled drugs that they obviously did not need.

9. On May 16, 2005, an undercover investigation was initiated when Oklahoma Attorney General Investigator Terri L. Stilwell went to Dr. Crass' office as a new patient. The receptionist inquired if Investigator Stilwell was experiencing any pain to which Investigator Stilwell denied she was. Investigator Stilwell was then given several forms to fill out. After completing the forms and returning them to the receptionist, Investigator Stilwell was advised she would receive a telephone call advising her of her appointment date and time. At this time Investigator Stilwell left the office.
10. On May 19, 2005, an undercover investigation was initiated when Oklahoma Attorney General Investigator Janie Davis went to Dr. Crass' office as a new patient. The receptionist asked Investigator Davis if she had any pain and Investigator Davis replied she had in the past. The receptionist gave Investigator Davis some forms to fill out. After completing the forms and returning them to the receptionist, Investigator Davis told the receptionist she would be gone for about a week but would call the office when she returned for an appointment date. Investigator Davis then left the office.
11. On May 20, 2005, Investigator Stilwell went to Dr. Crass' office in response to a telephone call requesting pre-payment to schedule a visit. Investigator Stilwell paid the clerk \$45.00 in cash and received a receipt. An appointment was scheduled for June 7, 2005, at 3:30PM. At this time Investigator Stilwell left the office. The appointment was later changed to June 21, 2005, at 2:10PM.
12. On June 14, 2005, Investigator Davis went to Dr. Crass' office for a scheduled appointment. At approximately 3:00PM, Dr. Crass called Investigator Davis into his office. They had a discussion about drugs Investigator Davis had previously taken. Dr. Crass prescribed Investigator Davis Adderall (10mg, 60 tablets) and Xanax (1mg, 30 tablets) because Investigator Davis told him she had taken the drugs in the past. No vital signs were taken by Dr. Crass. Investigator Davis then exited Dr. Crass' office after spending approximately sixteen (16) minutes with him. Investigator Davis made another appointment and left the building.

13. On June 24, 2005, Investigator Stilwell went to Dr. Crass' office for a scheduled appointment. At approximately 5:16PM, Dr. Crass called Investigator Stilwell into his office. Investigator Stilwell told Dr. Crass that she was there to request a prescription for Adderall because she had previously taken it for energy. After asking some questions about possible side effects, Crass indicated that he was comfortable writing the prescription because he was familiar with medications used to treat Attention Deficit Disorder. Crass provided a prescription of Adderall (10mg, 60 tablets) with instructions to return in one month. While with Dr. Crass no vital signs were taken. Investigator Stilwell left Dr. Crass' office and returned to the reception desk to schedule her return appointment. While there, Dr. Crass came to the reception area and instructed the receptionist to give Investigator Stilwell a hand-out about Attention Deficit Disorder in adults. At this time Investigator Stilwell left the clinic. Investigator Stilwell was with Dr. Crass for approximately fourteen (14) minutes.
14. On July 18, 2005, Investigator Davis went to Dr. Crass' office for a scheduled appointment. At approximately 10:29AM, Dr. Crass called Investigator Davis into his office. No vital signs were taken by Dr. Crass. Dr. Crass gave Investigator Davis a prescription for Adderall (10mg; 60 tablets) and one for Valium (10mg, 45 tablets). Investigator Davis spent approximately five (5) minutes with Dr. Crass and made an appointment with the receptionist and then departed the office.
15. On July 25, 2005, Investigator Stilwell went to Dr. Crass' office for a scheduled appointment. At approximately 9:51AM, Dr. Crass called for Investigator Stilwell to come into his office. Investigator Stilwell told Dr. Crass that she was doing well with the Adderall but was having trouble sleeping because the Adderall was so effective. She requested the Adderall and also a sleeping pill. Dr. Crass stated that he had samples of Restoril that he could give her until she became adjusted to the Adderall. Investigator Stilwell asked Dr. Crass about taking Xanax for sleeping and he replied that he could provide her with a prescription for that if the Restoril was not effective. Dr. Crass wrote Investigator Stilwell a prescription for Adderall (10mg, 60 tablets) and instructed her to get samples of Restoril from the receptionist. During her time with Dr. Crass, no vital signs were taken. Investigator Stilwell spent approximately six (6) minutes with Dr. Crass before leaving the office.

16. On August 18, 2005, Investigator Davis went to Dr. Crass' office for a scheduled appointment. At 3:08PM, Dr. Crass called Investigator Davis into his office. They talked about her medications and Investigator Davis told Dr. Crass that she had been having headaches and could he prescribe her some Lortab. Dr. Crass wrote Investigator Davis a prescription for Adderall (10mg, 60 tablets); Ambien (10mg, 30 tablets) and Lortab (7.5mg, 30 tablets). No vital signs were taken while Investigator Davis was in the office with Dr. Crass and she spent approximately eight (8) minutes with Dr. Crass. Investigator Davis received a sack of samples of Ambien and Lunesta from the receptionist and exited the office.
17. On August 25, 2004, Investigator Stilwell went to Dr. Crass' office for a scheduled appointment. At approximately 10:40AM, Dr. Crass called Investigator Stilwell into his office. No vital signs were taken. Investigator Stilwell asked Dr. Crass to either increase the quantity or dosage of her Adderall and requested to try Xanax for sleep. Investigator Stilwell then asked Crass what he would recommend for pain because she was having some neck pain. Dr. Crass recommended Lortab. Dr. Crass wrote Investigator Stilwell prescriptions for Adderall (10mg, 100 tablets); Xanax (1mg, 30 tablets) and Lortab (5mg, 40 tablets). Investigator Stilwell stayed in Dr. Crass' office for approximately six (6) minutes then left.
18. On September 20, 2005, Investigator Davis went to Dr. Crass' office for a scheduled appointment. At 2:00PM, Dr. Crass called her into his office. No vital signs were taken. Dr. Crass asked her how she was doing and Investigator Davis responded that everything was fine except for the sleeping pills and wanted to change back to Xanax and add Soma to her prescriptions. Dr. Crass wrote her prescriptions for Lortab (7.5mg, 30 tablets); Soma, 1mg, (30 tablets); Xanax (1mg, 30 tablets) and Adderall (10mg, 60 tablets). Investigator Davis stayed in Dr. Crass' office for approximately seven (7) minutes then left the office.
19. On September 22, 2005, Investigator Stilwell went to Dr. Crass' office for a scheduled appointment. At approximately 10:21AM, she was called into Dr. Crass' office where no vital signs were taken. Investigator Stilwell told Dr. Crass that she really liked the Adderall but was taking more per day than he had prescribed. He was asked to either increase the dosage or quantity because she was going to be out of town during the next month. Dr. Crass said he would write a prescription for Adderall for a larger quantity, asking Investigator Stilwell if four per day would be adequate. Dr. Crass then provided Investigator Stilwell with prescriptions for Adderall (10mg, 150 tablets) and Xanax (1mg, 30 tablets plus one refill).

20. On March 2, 2006, a search of Dr. Crass' offices at 1723 South Boston, Tulsa, Tulsa County, Oklahoma, was conducted by members of the Oklahoma Attorney General's Office, the Federal Bureau of Investigation, the Department of Health and Human Services/Office of Inspector General, the Drug Enforcement Agency, the Oklahoma Bureau of Narcotics and Dangerous Drugs and the Tulsa Police Department. Numerous documents, including patient files, were seized by the officers. During a three hour period, twenty-seven (27) patients came to the office for services.
21. In reference to the **Distribution of a Controlled and Dangerous Substances** charges, Dr. Roger S. Cicala, M.D., a practicing pain management physician and expert witness in his field, reviewed patient charts of Dr. Crass as well as the undercover charts of the two undercover investigators. According to Dr. Cicala, in addition to treating patients for chronic pain, Dr. Crass also practices psychiatry. Dr. Cicala is not an expert in psychiatry and therefore his opinions listed below are limited to his general expertise as a physician and as a pain management specialist. A review by a psychiatrist would likely generate additional opinions regarding Dr. Crass' prescribing of stimulant medications.
22. According to Dr. Cicala, Dr. Crass' charts show a pattern of prescribing controlled substances with little or no indication and prescribing controlled substances despite clear contraindications against prescribing. There are frequent early refills of medications without documentation as to why they are refilled. Patients receive multiple opiate medications with little or no documentation as to why they need them and in some cases despite obvious evidence of substance abuse and addiction.
23. The patient chart for Investigator Janie Davis was examined by Dr. Cicala and his opinion of her chart was that it appeared generally appropriate. At the time of his review, Dr. Cicala was unaware that Investigator Davis was one of the undercover investigators used in this investigation.
24. The patient chart for Investigator Terri Stilwell was examined by Dr. Cicala and his opinion of her chart was that it appeared inappropriate but outside the area of his expertise. At the time of his review, Dr. Cicala was unaware that Investigator Stilwell was one of the undercover investigators used in this investigation.
25. Based upon review by Dr. Cicala, patient S.F. was prescribed high doses of Adderall, Soma, Xanax and Lortab with little indication for needing these controlled substances. According

to her chart, she was arrested for controlled substance violations. In a note to the jail, Dr. Crass stated there were medications with lower abuse potential that she could be treated with, yet he did not try any of these medications prior to her arrest.

26. The following prescriptions were determined by expert review and review of records to have been prescribed with disregard for the best interest of the patient and with a lack of sufficient diagnostics or documentation to show that the drugs were dispensed in good faith. The chart shown below lists 30 counts of **Distribution of a Controlled and Dangerous Substance** by Dr. Crass.

DATE	CLIENT	SCHEDULE	DRUG
06/14/05	JD	II	Adderall/Amphetamine
06/14/05	JD	IV	Xanax/Alprazolam
06/14/05	JD	IV	Valium/Diazepam
07/15/05	JD	II	Adderall/Amphetamine
08/18/05	JD	II	Adderall/Amphetamine
08/18/05	JD	III	Lortab/Hydrocodone
09/20/05	JD	IV	Xanax/Alprazolam
09/20/05	JD	III	Lortab/Hydrocodone
07/25/05	TS	II	Adderall/Amphetamine
08/24/05	TS	IV	Xanax/Alprazolam
09/22/05	TS	II	Adderall/Amphetamine
09-22-05	TS	IV	Xanax/Alprazolam
06/20/05	SF	III	Lortab/Hydrocodone
06/20/05	SF	IV	Xanax/Alprazolam
07/19/05	SF	III	Lortab/Hydrocodone
07/19/05	SF	IV	Xanax/Alprazolam
08/10/05	SF	III	Lortab/Hydrocodone
10/10/05	SF	IV	Xanax/Alprazolam
10/10/05	SF	III	Lortab/Hydrocodone
11/10/05	SF	III	Lortab/Hydrocodone
11/11/05	SF	IV	Xanax/Alprazolam
11/11/05	SF	IV	Xanax/Alprazolam
12/14/05	SF	III	Lortab/Hydrocodone
01/09/06	SF	II	Concerta/Methylpheni
01/23/06	SF	II	Concerta/Methylpheni

01/23/06	SF	III	Lortab/Hydrocodone
01/27/06	SF	II	Concerta/Methylpheni
02/20/06	SF	II	Concerta/Methylpheni
02/20/06	SF	III	Lortab/Hydrocodone
04/18/06	SF	III	Lortab/Hydrocodone

27. In addition, on or about January 1, 2001, through January 1, 2006, in Tulsa County, Oklahoma, Dr. David P. Crass committed the crime of **Medicaid Fraud**, a felony, by willfully and knowingly causing to be submitted to the Oklahoma Medicaid Program through it's fiscal agent, false claims for payment of services and/or drugs which were not eligible for reimbursement based on; Dr. Crass' failure to provide services during office visits and by providing prescriptions for drugs not in good faith and outside the course of professional practice.
28. From June 14, 2005, through September 20, 2005, Dr. Crass billed Medicaid and was paid \$198.12 for three office visits for services for Attorney General Investigator Janie Davis.
29. From June 24, 2005, through September 22, 2005, Dr. Crass billed Medicaid and was paid \$71.09 for one office visit for services for Attorney General Investigator Terri Stilwell.
30. On June 6, 2008, a provider report for Dr. David P. Crass, M.D., was obtained from the Oklahoma Health Care Authority. This particular report shows Dr. Crass' patients, the type of medications he prescribed, the date the prescriptions were filled, what pharmacy filled them and the amount Medicaid paid the pharmacies for the medication.
31. From June 20, 2005, through April 18, 2008, Medicaid paid for SF's prescriptions which were written by Dr. Crass. The prescriptions included Lortab/Hydrocodone, Xanax/Alprazolam and Concerta/Methylpheni. The total amount paid by Medicaid was \$827.54. Dr. Crass also billed for five office visits from November 10, 2005, through April 18, 2006, in which Medicaid paid him \$242.00.
32. From January 17, 2004, through August 9, 2004, Medicaid paid for GF's prescriptions which were written by Dr. Crass. The prescriptions included Klonopin/Clonazepam, Oxycontin/Oxycodone, Xanax/Alprazolam, Oxycodone, Endocet and Methadose. The total amount paid by Medicaid was \$5132.72.

33. From January 8, 2004, through September 9, 2004, Medicaid paid for PF's prescriptions which were written by Dr. Crass. The prescriptions included Xanax/Alprazolam, Oxycontin/Oxycodone, Clonazepam, Endocet and Valium/Diazepam. The total amount paid by Medicaid was \$1635.73.
34. It should be noted that all three of the above patients, SF, GF and PF were from the same family.
35. The aggregate loss to Medicaid based on claims for office visits submitted by Dr. Crass on the above listed Medicaid recipients, as well as prescriptions filled by the same patients using their Medicaid benefit is \$8107.20.

WHEREFORE, Affiant pray this Honorable Court to issue a warrant for the arrest of the within named Defendant, that he may be brought before a Magistrate and held to answer for the offenses of **DISTRIBUTION OF A CONTROLLED AND DANGEROUS SUBSTANCE** and **MEDICAID FRAUD**.

Allen J. Collins
AFFIANT

Subscribed and sworn to before me this 26th Day of September 2008.

Carla J. Oney
Notary Public

My Commission Expires:

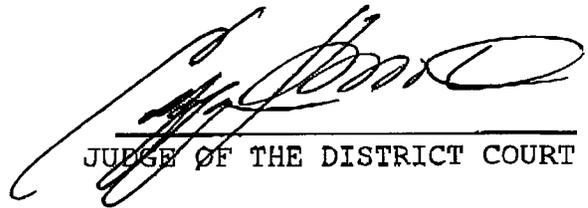
3-11-12



FINDING OF PROBABLE CAUSE

On this 2 Day of Oct, 2008, the above styled and numbered case came on for hearing before me, the undersigned JUDGE of the District Court of Tulsa County, Oklahoma, upon the Affidavit of Joe Collins who requested that a warrant of arrest be issued for the within named Defendant, that he might be arrested and held to answer for the offense of **DISTRIBUTION OF A CONTROLLED AND DANGEROUS SUBSTANCE** and **MEDICAID FRAUD**. The Court finds that the offense of **DISTRIBUTION OF A CONTROLLED AND DANGEROUS SUBSTANCE** and **MEDICAID FRAUD** has been committed and that there is Probable Cause to believe that the within named Defendant committed said offense and that a warrant of arrest should be issued.

Dated this 2 Day of Oct 2008.



JUDGE OF THE DISTRICT COURT