

AG Corbett, Erie County DA Foulk announce charges against Erie County doctor for illegally prescribing drugs

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(ERIE) Attorney General Tom Corbett and Erie County District Attorney Bradley H. Foulk today announced that agents of the Attorney General's Bureau of Narcotics Investigation (BNI) have charged an Erie County doctor with writing illegal prescriptions for numerous drugs, including the addictive painkiller OxyContin.



Corbett identified the defendant as Paul W. Heberle, D.O., 39, 18244 Irish Road, Edinboro. He operates South East Medical Center at 1306 E. 38th St., Erie.

Corbett said Dr. Heberle is charged with 15 violations of the state's drug law and 13 counts of Medicaid Fraud. Corbett said BNI agents initiated the investigation in January of this year after receiving complaints from area pharmacists that Dr. Heberle was excessively prescribing narcotic drugs to his patients.

They also investigated the overdose death of a female patient of Dr. Heberle whom allegedly died of an overdose of the narcotic painkiller fentanyl, which he prescribed in the form of duragesic patches and Actiq, a fentanyl lozenge.

As part of their investigation, Corbett said, BNI agents examined records from various Erie pharmacies to determine a narcotic prescribing pattern of Dr. Heberle.

Corbett said the agents found many of Dr. Heberle's patients were formerly patients of Dr. David Klees, a physician who is currently serving a 13 1/2 to 29-year state prison sentence for writing illegal prescriptions. Dr. Klees was investigated and prosecuted by the Attorney General's Office in 2004.

On Jan. 12, 2005, Corbett said, based on information BNI agents obtained from area pharmacies on Dr. Heberle's prescribing habits, the agents, along with assistance from the Drug Enforcement Administration (DEA), executed a search warrant at Dr. Heberle's medical practice and seized patient files.

On April 11, BNI agents executed a second search warrant for patient records at Dr. Heberle's office. In this search agents seized records of 12 Medicaid recipients.

Corbett said that during the course of the investigation, BNI agents interviewed many of Dr. Heberle's patients as to the treatment and prescriptions they received from him. Corbett said one patient told the agents that Dr. Heberle knew he was addicted to painkillers but continued to write him a prescription. Four days after receiving the prescription from Dr. Heberle, the patient overdosed on the drug and was admitted to the hospital.

Corbett said agents also investigated the overdose death of a male patient whom Dr. Heberle had written prescriptions for OxyContin and Fentanyl duragesic patches. Corbett said another patient indicated that Dr. Heberle's practice was very peculiar. He said that on several occasions Dr. Heberle allegedly took the patient into the basement of his medical practice to give him prescriptions. The patient also said that he was seen by the doctor about five times on Sundays, when the office was not open. The doctor would let him in through the back door.

Corbett said that one patient, who had been a patient of Dr. Klees, said that on his first visit to Dr. Heberle, the patient brought all his medical records with him. Dr. Heberle allegedly never looked at his records or conducted a hands-on examination, but he did prescribe several medications to the patient.

Many of the patients also told the agents what they have described as Dr. Heberle's "drive through" prescriptions or his "script pick-up" days. This was a practice, in clear violation of the law, where Dr. Heberle allegedly would sign patient prescriptions in advance and have his office staff or medical assistant give patients their prescriptions without every seeing them or examining them.

Corbett said as part of the investigation, an outside doctor reviewed the patient files seized from Dr. Heberle's office and found that without exception, that Dr. Heberle was not in accordance with the treatment principles accepted by a responsible segment of the medical community.

Corbett said Dr. Heberle is being charged with Medicaid fraud because he allegedly wrote \$163,548 in unnecessary prescriptions for 12 Medicaid recipients.

Corbett said, "We allege that Dr. Heberle was providing powerful and addictive prescription medication to patients for no valid medical reason. Doctors who write unnecessary prescriptions are a gateway to abuse and addiction and we will continue to investigate and prosecute them." Corbett continued, "Prescription drug abuse does not have the same social stigma as illegal drugs such as heroin or cocaine, however; as evidenced in this case, prescription narcotic painkillers can be just as deadly."



Corbett said Dr. Heberle is charged with 15 counts of illegally prescribing prescription drugs, each count carries a maximum penalty of 15 years in prison and a \$250,000 fine. He is also charged with 13 counts of Medicaid fraud, with each count carrying a maximum of seven years in prison and a \$15,000 fine.

Corbett said Dr. Heberle will be prosecuted in Erie County by Senior Deputy Attorney General Doug Wright of the Attorney General's Drug Strike Force Section and by Erie County Assistant District Attorney Roger Bauer.

Dr. Heberle is scheduled to be arraigned before Magisterial Judge Tom Robie. His preliminary hearing will be before Magisterial Judge Joseph LeFaiver.

Corbett thanked District Attorney Bradley Foulk and the Drug Enforcement Administration for their assistance in the investigation.

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