Allegations that a Madrid doctor over prescribed narcotics and other painkillers should have been dealt with by his fellow physicians and not the criminal justice system, according to the president of the Medical Society of the County of St. Lawrence.

Dr. James L. Latimer closed his office and surrendered his state and federal license a week ago to avoid prosecution. The actions grew out of a long-running investigation by state police and federal Drug Enforcement Administration agents into illegal trafficking of prescription drugs within the county.

"We are very disappointed how the case of Dr. Latimer was handled by the district attorney's office," J. Lucas Koberda, president of the medical society, said in a prepared statement released Thursday.

"To our knowledge, Dr. Latimer's prescribing anti-pain medication pattern did not justify criminal charges to be applied," Dr. Koberda said. Instead, he said, the issue should have been addressed by peer review medical organizations of local doctors or by the state Organization of Professional Medical Conduct.

"We would prefer to have worked with local authorities from the beginning when the case was starting to be investigated in order to have prevented any possible future medical misconduct which effects our community," Dr. Koberda said.

Dr. Koberda, a neurologist, said he does not prescribe narcotics for his patients. But, he said, there is a fear that some chronic pain suffers will be undertreated by doctors who are afraid to prescribe narcotics and other powerful drugs.

The Medical Society's formal position on the way the case against Dr. Latimer was handled followed a meeting with acting District Attorney Gary W. Miles and several meetings among the doctors themselves, Dr. Koberda said.

Dr. Gregory Healey, Canton, who did not attend the meeting with Mr. Miles, said he did not necessarily find the amount of medications prescribed by Dr. Latimer to be excessive. A patient taking two painkillers every three hours would take 21 a day or 4,380 a year, he said.
But, Dr. Healey said: "I can't comment on what I don't know about. The fact is Dr. Latimer didn't fight it."

Not all the doctors who met with Mr. Miles and his investigators were dissatisfied with their explanation of the investigation's findings and his decision to allow Dr. Latimer to avoid prosecution by closing his practice.

"We were initially quite concerned because we didn't know all of the details,' said Dr. Jon A. Kay, Canton.

"From what they told us, Dr. Latimer was making some errors that he should have corrected 18 months ago. But, he refused to cooperate," Dr. Kay said. "They were very specific about the violations that he had been doing, and he ended up not contesting it. He accepted it and resigned."

Dr. Latimer was one of three physicians targeted by the investigation. Dr. Charles A. Locke, Gouverneur, surrendered his license and closed his practice in May. Dr. Gail E. DeHart, Gouverneur, was arrested the same month on a charge of criminal sale of a prescription and is awaiting prosecution.

Despite that, Dr. Kay said, he left the meeting with Mr. Miles reassured that other doctors are not at risk of becoming targets.

"We are all afraid because of the DEA," said Dr. Alexandru B. Stoian, a Potsdam cardiologist. He cited a July 25 article in Time magazine about a nationwide crackdown by the DEA that has resulted in more than 5,600 doctors being investigated nationwide over the past six years. More than 450 have been prosecuted, according to the article.

"We should have been the ones to discipline Dr. Latimer. This is a very small community. We can work and solve problems this way," Dr. Stoian said.

"Dr. Latimer provided a very important service to our community. He saw a lot of patients without medical insurance," Dr. Stoian said.

Dr. Latimer, who had admitting privileges at Canton-Potsdam Hospital, Potsdam, had about 4,000 patients when he closed his practice. The hospital announced Thursday that six doctors have agreed to accept patients from his practice.

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