A year after agents from the federal Drug Enforcement Administration raided his Billings medical practice, Dr. Richard A. Nelson is still wondering whether he'll be charged with a crime.

"We haven't heard a damn thing," said Nelson, a neurologist who specializes in care for chronic pain. "It's been silent."

DEA agents executed an administrative inspection warrant on Nelson's West End office in April 2005.

They took 72 patient files, which were later returned, and suspended his ability to write prescriptions for about 200 medications, including narcotic painkillers.

Federal officials never said what prompted the investigation, but people who were questioned by DEA agents, including Nelson's patients and employees, said the inquiry focused on diversion.

Diversion is the illegal distribution of legal drugs, such as painkillers that are prescribed to people suffering from chronic pain.

Suzanne Halonen, a DEA public affairs officer in Denver, said she was not aware of any new developments in the year-old investigation, which she indicated had been turned over to the U.S. Attorney's Office in Billings.

"It's not unusual for complex cases to last a very long time, sometimes several years, before there's any conclusion," Halonen said.

Assistant U.S. Attorney Kurt Alme said he could not comment on the status of the case or even whether there is one.

"We can neither confirm nor deny the existence of an investigation," Alme said.
Nelson insists he did nothing wrong. He said he thinks the DEA identified him as an easy target because he is a solo practitioner who is nearing the end of his career.

"I think they do this on purpose," he said. "They attack doctors who are older and ready to retire anyway."

Before the raid, Nelson figured he was about 18 months away from retirement. He said he will have to work longer than that now to finish paying off his practice.

Critics have accused the DEA of putting physicians who prescribe narcotic painkillers, known medically as opioids, out of business as a way to justify its war on drugs.

"I really think the DEA, when they look at this, they go, 'Boy, this Dr. Nelson is maybe prescribing 50 percent more narcotic pain medications than anyone else in the area,' and they are automatically suspicious of something," said Mike Bledsoe, a former patient of Nelson's who takes opioids to ease chronic pain from a work-related injury. "There's no proof that anything (illegal) is going on."

According to Bledsoe, Nelson had more chronic-pain patients than did other Billings clinicians because he treated pain sufferers with respect.

He is not surprised that Nelson has not been charged with a crime or other violation.

"I think it was just a matter of the DEA looking at statistics and saying, 'We're going to stop this guy because we don't like what he's doing,' " Bledsoe said.

The DEA maintains that it investigates doctors only when there is evidence of illegal activity. In a January 2006 letter to The Gazette, the special agent in charge of the agency's Denver office said doctors who have done nothing wrong have nothing to fear.

"Practitioners who treat a patient with chronic pain in accordance with acceptable medical standards have no reason to fear a DEA investigation and should treat their patients accordingly," wrote Jeffrey D. Sweetin. "DEA investigations of practitioners are initiated when there is suspicion of criminal activity ... DEA must have conclusive evidence of wrongdoing in order to go forward with criminal or administrative actions."

The letter appeared to be in response to The Gazette's coverage of the Nelson investigation.

Nelson remains in good standing with the Montana Board of Medical Examiners, which first licensed him in 1970, and he has asked the DEA to reinstate the certificate that allows him to write prescriptions. He suspects the agency will ignore his request.
He continues to see patients, although the focus of his practice has shifted toward alternative pain-control methods, such as acupuncture, herbal patches, neurofeedback and relaxation techniques. Nelson's wife, Jerrie Lynn, is trained as an alternative practitioner.

Still, his appointment book is usually about half full. Many of his patients, including Bledsoe, had to go elsewhere for medical care so that they could refill their prescriptions for painkillers.

In the weeks after the raid, some of Nelson's patients reported being unable to find other local doctors to treat them.

"We weren't treated good by doctors at the hospitals," Bledsoe said. "They just viewed us as junkies, I guess."

Patients said some clinicians told them they would not take chronic-pain patients because they were afraid of drawing the DEA's attention.

"The DEA has really intimidated these doctors into saying, 'I will never prescribe these medications,' " Bledsoe said. "It's a tough situation."

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