DEA Raid on Billings Doctor [Nelson] Brings Pain Wars to Montana

The Drug Enforcement Administration's (DEA) war without quarter against what it sees as corrupt, pill-dealing physicians who are fueling a crisis in prescription drug abuse came to Montana last month. But with the raid on Billings physician Dr. Richard A. Nelson, who has been treating patients with opioids for chronic pain from cancer, arthritis, and other conditions, that all-too-familiar narrative has been challenged. An uproar that has yet to die down has gotten the attention of local media and at least one US senator as patients complain bitterly of being left in the lurch and national pain advocates arrived to press for justice for Dr. Nelson and his patients alike.

The uproar began on April 20, when DEA agents arrived at Nelson's West End office and seized his medical records and prescribing certificate. The DEA did not tell Nelson at the time why he was being raided, except to say that agents served an "administrative inspection warrant." Nelson was not arrested or charged with any offense, although that could be coming. The agency was still keeping mum this week, with Denver regional DEA spokesperson Karen Flowers telling DRCNet only that "this is an ongoing investigation."

Nelson, who has been practicing medicine in Billings since the 1970s, has a spotless record with the state medical board. He does not prescribe the controversial but medically accepted mega-doses of opioids that have triggered DEA investigations of other pain treatment physicians. But two of his patients reportedly died from drug-related causes in the last year, perhaps drawing the interest of the DEA. Nelson's practice remains open, and the DEA returned his files 10 days later, but he now cannot prescribe the medications needed by his chronic pain patients. The practice limps along under the cloud of the DEA raid.

While Nelson and his newly hired legal team wait to see what the DEA will do next, some 75 of his patients have been left out in the cold. Without Dr. Nelson, said patient Glen Wilkinson, Billings pain patients are finding adequate pain treatment hard to come by. "I ended up with Dr. Nelson as a last resort," said Wilkinson, who suffers from chronic pain related to two herniated and nine broken discs in his spinal column. "I had no place else to go. He's a good, honest doctor, but now I am being denied medical care based on my affiliation with him. My primary care physician told me he wouldn't see me again after I went to Dr. Nelson."

Wayne Nott, a retired rock quarry worker from Bridger suffering from a variety of painful complaints, including arthritis, multiple lipomas, and varicose veins who also
lives with a titanium plate in his neck, is another patient of Dr. Nelson's who is having
trouble finding a doctor to treat him. He told DRCNet he traveled more than a hundred
miles to go to an appointment with a doctor who had agreed to see him, but when he
arrived he was turned away.

"When I got to the doctor's office and told them I had an appointment, the receptionist
asked for my name, then told me 'You did have an appointment, but you don't now.' She
told me she got a phone call 10 minutes before I arrived saying not to treat any patients
from Dr. Nelson's office. When I asked her who had told them that, she wouldn't say, but
I know it must have been the DEA," Nott said.

"She told me I had to leave the building," said Nott. "She acted like I was some kind of
psycho. People think that people who went to Dr. Nelson are junkies. I'm no junkie. I
hate to even take the stuff I'm taking, but I have to for my chronic pain."

The physician in question, Dr. Ahmed Madi of Roundup, refused Thursday to discuss his
reasons for turning Nott away. "I'm not interested, thank you very much. Bye," was his
response to a DRCNet inquiry.

Nott has related his account of his encounter with Dr. Madi's office in a deposition
provided to Dr. Nelson. He has also since managed to find a doctor to care for him, but in
a telling indication of the atmosphere of fear and intimidation created by the DEA raid on
Dr. Nelson, he asked that that doctor not be publicly named.

"This is horrible, I don't know how it could get any worse," said Dr. Nelson's wife, Jerrie
Lynn, an acupuncturist who shares her husband's practice. "This is just unbelievably sad
for the patients. The DEA is telling doctors not to see our patients," she charged, "and
telling drug stores not to fill our prescriptions."

While patients who spoke with DRCNet backed Ms. Nelson's charge that the DEA is
intimidating physicians and pharmacies, with some saying local doctors told them as
much, it is a difficult charge to prove. DEA spokeswoman Flowers flatly denied it.
"Absolutely not," she said. "That's false. If these people have medical problems, they
should seek medical help. The medical community is obligated to help people who are
sick."

Several patients told DRCNet St. Vincent Healthcare had turned them away, but the
hospital denied both being told not to treat Dr. Nelson's patients and that it was turning
them away. "St. Vincent Healthcare assesses and treats all patients on an individual basis.
We follow guidelines and protocols for treatment based on established criteria. There is
no policy or practice to refuse care to any of Dr. Nelson's patients," said Nancy Kallem,
vice-president for patient affairs. "No," the hospital has not received notice from any
agency advising it not to treat Dr. Nelson's patients, she told DRCNet.

"I have no reason to believe those claims are false, but the problem is in confirming it," said Siobhan Reynolds, executive director of the pain patients and physicians advocacy
group the Pain Relief Network (PRN), who traveled to Billings last week to meet with Dr. Nelson and his patients. "Every time a doctor says this to a patient, they also say 'You didn't hear that from me.' The intimidation is complete," she said.

"Everyone is getting into the game," Reynolds continued. "Pharmacies are turning down Dr. Nelson's non-controlled scripts and insurance companies are declaring the doctor's demise, despite the fact Dr. Nelson is still in possession of an unblemished record with Montana's Board of Medical Examiners and is still practicing."

Typically in cases where physicians are accused of prescription wrongdoing, they are left dangling in the wind while DEA agents and prosecutors use their access to the media to paint a one-sided picture of pill-mills and Dr. Feelgoods. Reynolds was determined not to let that happen in Billings, and her strategy has paid off -- at least in public relations terms. In the last two weeks, the Billings Gazette has run at least three stories on the raid and its consequences, with titles such as "In Search of Relief: Pain Sufferers Caught in Medical Controversy" and "DEA Accused of Targeting Pain Doctors."

The third article was provoked by a very unusual event in Billings. Last Friday, after letters to US Senators Max Baucus (D) and Conrad Burns (R) were ignored, Reynolds and three dozen patients went to Baucus' Billings office to seek a meeting after his office turned down a request for a meeting the previous day. Standing outside the building until a staffer agreed to meet with them, they protested the DEA's nationwide pattern of going after pain doctors and its local impact, and demanded their representatives do something about it. "We want him to call for and help organize a Senate Judiciary Committee hearing on this issue," said Reynolds. "We want to see an investigation into what the DEA has been doing, and we need the subpoena power of the Senate to get behind the veil and find out what is going on."

"The feds and the state authorities can't both be responsible for the regulation of Montana's doctors," said patient Gregg Wilkinson during the protest. "The medical board says Nelson is impeccable, while these Washington bureaucrats are saying he's criminal. Somebody isn't telling the truth."

While Sen. Baucus was not present, office communications director Barrett Kaiser did come down to listen to patients' concerns and promised to relay them to the senator. But, he told the crowd, it is hard to say what Baucus will do. The senator supports the justice system and has a policy of not interfering with criminal investigations or legal policies, Kaiser said.

It remains unclear what action, if any, Baucus will take. Kaiser failed to respond to any of DRCNet's four calls seeking comment on the matter this week, and the office has made no other public remarks on the issue.

"Senator Baucus stonewalled us," said Wilkinson. "Thirty-five people marched to his office, but he won't even dignify us with an answer."
"I'm watching people have their lives destroyed," said Reynolds. "There are patients who were functional under Dr. Nelson who now can't work or walk or even play with a two-year-old. The implications of this for these people are staggering. It is mind-boggling, but what is perhaps even more distressing is that their senators don't seem to think it's a problem," said Reynolds. "They are stonewalling," she told DRCNet. "I am just dumbstruck by the lack of concern displayed by elected officials here."

Update: Late Thursday, Sen. Baucus responded -- sort of -- in a letter to Reynolds. Baucus reiterated his "policy of not interfering with criminal investigations" and did not address the larger question of the DEA's aggressive behavior or the call for hearings in the Senate. But in a nice constituent service touch, he did contact the Deering Clinic in Billings on the patients' behalf, which "has given assurance that all patients will be afforded the opportunity to be assessed by their staff for a continued pain management care plan."

While that pledge is no guarantee of adequate opioid treatment for Dr. Nelson's patients, the Pain Relief Network will be watching closely, said Reynolds. "We will be overseeing the care of these patients and will be providing the clinic with expert advice in the event they fail to treat patients appropriately."

And while Sen. Baucus did not immediately acknowledge demands for a congressional look at the broader issues involved, his response was a first, said Reynolds. "This is a major step in the right direction. It's the first time a US senator has acknowledged the humanity of people in pain," she said.

While Dr. Nelson has the support of his patients, his colleagues in the medical profession have stayed largely silent or have been critical. The head of the Montana Medical Association, Dr. Joan McMahon of Lewistown, professed to be unfamiliar with the case and declined comment, saying only that "physicians have to follow DEA regulations."

Dr. Bill Rosen, a specialist in physical medicine and rehabilitation at the Deaconness Billings Clinic scoffed at the use of opioids as pain medications. "Narcotics have never been shown to heal anything," he told the Billings Gazette. "All you're doing is putting a Band-Aid on a wound that will never heal." While opioids may be appropriate in limited cases, he said, doctors are too quick to prescribe them for patients who could be helped in other ways. "People come in and tell me they are disabled by their pain," Rosen said. "I say you are disabled from your inability to cope with your pain."

Dr. Joseph Talley, a North Carolina physician whose practice was shut down by the state, found opioids useful for patients, but warned that doctors around Billings may decline to treat Dr. Nelson's patients with them for fear of becoming a magnet for patients and ultimately the next target for the DEA. "An opioid prescriber will be swamped with patients, good and sinister, from near and far," he told DRCNet. "As soon as the word gets out that a doctor will treat pain in adequate doses (which eliminates most doctors who prescribe at all) and will do so without making patients feel like dirty criminals (which eliminates all but a very tiny few of those remaining), the practice of those very
few doctors will change drastically, and it will take on a form upon which the DEA can capitalize. He will have cars with out-of-state plates, desperate patients who couldn't get an appointment milling around his door, and when he treats one desperate patient, he is likely to get 10 desperate calls from her friends, neighbors, and relatives wanting help themselves," Talley said.

Unlike other prominent cases of physicians under the federal gun, Dr. Nelson was not prescribing massive amounts of opioids to patients, said his wife. "He doesn't really go outside the guidelines," she said. "He would prescribe maintenance doses and other prescriptions, but not the really high doses."

"The DEA needs to be held accountable -- at the very least it should be paying the medical bills for these people who have been adversely affected," said Nelson. "People can't function without their pain medications. Some have had to quit their jobs. One of our patients now has to have a person come in and care for him. And they are being treated like criminals when they go to the hospitals in search of relief."

In the meantime, it appears that Billings-area physicians are already aware of Dr. Talley's lesson and are staying away from opioids and patients who need them. "I was surviving on what Dr. Nelson gave me," said Nott. "Now all I can do is lay in bed all day."

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