

NJ Doctor Stripped of License Over Hundreds of Opioid Prescriptions for the Drug Subsys

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A doctor in Philipsburg, New Jersey has lost his license after allegations that the physician had accepted more than \$117,000 from the pharmaceutical company Insys Therapeutics, Inc. to prescribe the company's fentanyl painkiller Subsys to his patients.

Dr. Kenneth P. Sun consented to the New Jersey State Board of Medical Examiners (NJSBME) decision to revoke his license amid allegations that he had written hundreds of Subsys prescriptions for patients for whom the drug was not designed. Subsys is intended as a treatment for cancer patients over the age of 18 who are already receiving "around-the-clock opioid therapy" for their "persistent cancer pain."

Rather than prescribing this highly addictive opioid to only cancer patients tolerant to regular opioid therapy, Sun, who had been a pain management doctor, allegedly wrote more than 775 prescriptions for Subsys to his patients between 2012 and 2016. According to New Jersey Attorney General Gurbir S. Grewal, Sun prescribed the drug to patients "who did not have breakthrough cancer pain and/or who were already on stable pain management prescribing routines."

From 2013 to 2015, Sun received more than \$117,000 from Insys Therapeutics for "advisory and consulting services" and for his role as a "Subsys-promoting speaker at Insys-sponsored and Insys-organized informational events," according to the NJSBME consent order.

In turn, Insys allegedly garnered more than \$4.8 million in revenue based on Sun's prescriptions, the state Attorney General's Office said.

The State filed a complaint with the Board seeking to revoke Sun's license in October 2017, soon after launching a state court lawsuit against Insys alleging that the company had endangered the public in its drive to increase Subsys sales. The founder of Insys Therapeutics, John N. Kapoor, was also later added as a defendant in that action.

The state claimed that Insys and Kapoor made bogus marketing claims and offered unlawful incentives to health care providers to prescribe Subsys to an improperly broad mix of patients.

Sun is the third doctor in New Jersey to lose his or her license over the improper prescribing of

Subsys.

In the consent order, Sun's license was revoked retroactively to December 30, 2016—when his license was first temporarily suspended—and he will be able to re-apply for a license after three years from that date. Sun's New Jersey registration to prescribe controlled dangerous substances was also revoked retroactive to the same date.

In order to re-apply, Sun must provide the Board with proof that he has successfully completed courses in medical ethics and recordkeeping. If he intends to resume prescribing controlled dangerous substances again, he must also complete a course in "the safe use and prescribing of opioids for the management of acute and chronic pain."

Sun also agreed to pay a civil penalty of \$60,000 and \$13,800 in attorneys' fees.

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