

## DOJ Expands New Enforcement Tactic – Obtains TRO to Prevent Pharmacy From Dispensing Opioids

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On February 8, 2019, the Department of Justice (DOJ) announced that it obtained a temporary restraining order (TRO) in the Middle District of Tennessee against two pharmacies, their owner and three pharmacists from dispensing controlled substances, including opioids. The DOJ simultaneously unsealed a complaint alleging violations of the False Claims Act and Controlled Substances Act against the same parties. DOJ's press release is [available here](#).

The DOJ described this action as part of a coordinated effort by the [Prescription Interdiction & Litigation \(PIL\) Task Force](#) to deploy its criminal, civil and regulatory tools to address the opioid epidemic in the United States. The complaint alleges that the pharmacies and pharmacists filled numerous prescriptions for controlled substances outside the usual course of professional practice and in violation of the pharmacists' corresponding responsibility to ensure that prescriptions were written for a legitimate medical purpose. In particular, the complaint alleges that the defendants routinely dispensed controlled substances and ignored "red flags" of diversion and abuse, such as unusually high dosages of oxycodone and other opioids, dangerous combinations of opioid prescriptions other controlled substances and patients travelling extremely long distances to get and fill prescriptions. The complaint also asserts that the pharmacies falsely billed Medicare for illegally dispensed prescriptions.

"Pharmacies and pharmacists have a legal obligation to dispense controlled substances properly, so as not to put patients' health at risk," said Assistant Attorney General Jody Hunt for the Department of Justice's Civil Division. "The Department of Justice will use every available tool to stop individuals and entities responsible for the improper distribution of controlled substances."

While the DOJ has previously [obtained TROs](#) and a [permanent injunction](#) against physicians for prescribing opioids upon filing a complaint, this is the first case in which the agency has taken this combination complaint and TRO action against a pharmacy and pharmacists.

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