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DOCTOR SENTENCED FOR CONSPIRING TO DISTRIBUTE PHENTERMINE AND MONEY LAUNDERING

Tampa, Florida - United States District Judge Steven D. Merryday sentenced Dr. Jose Mercado Francis today to 11 months' imprisonment and three years' supervised release stemming from Francis' role in an internet pharmacy involved in the illicit distribution of Phentermine and other controlled substances. Francis, a 54-year-old resident of Michigan and former resident of Puerto Rico, had previously pled guilty to conspiracy to distribute Phentermine and conspiracy to commit money laundering. In addition to sentencing Francis to an 11-month jail term, Judge Merryday also directed Francis to forfeit both his Michigan and Puerto Rico medical licenses, as well as forfeit \$37,083 in proceeds Francis was paid for his involvement with the internet pharmacy.

According to court documents, in September 2004 Francis signed a contract with a corporation that operated an internet website to prescribe medications for internet customers, including Phentermine, a Schedule IV controlled substance. The contract provided that Francis would be paid a consultation fee of \$3.00 for every prescription drug ordered through the internet website. By accessing the website, customers were presented with various products, including Phentermine. The customers clicked on the amount they wanted and the strength. Customers then completed an internet

questionnaire and provided information such as their first and last name, date of birth, gender, height, weight, list of allergies, list of surgeries, description of medical condition, billing information, shipping information, and email address.

The evidence also revealed that Francis had a code that allowed him to access the website and review the list of customers, their requests, and questionnaires. Francis would click his approval of the order, and a prescription would be generated with a verisign signature for Francis. Pharmacies located in the Middle District of Florida would then download the prescriptions, fill the order, and ship the drugs to customers throughout the United States. The customers would subsequently receive their medications, with the name of the pharmacy and prescribing doctor on the prescription bottle.

Although prescriptions for controlled substances such as Phentermine require a valid doctor-patient relationship, Francis acknowledged that he never saw or spoke to any of the internet customers for whom he prescribed medications, nor did he keep any medical records for any of these internet customers.

The evidence further revealed that the corporation, through its employees, wire-transferred Francis' fee on a weekly basis directly to his bank account. An analysis of the bank account for the corporation, located in the Middle District of Florida, showed that, from October 2004 to July 2005, \$37,083 was wired from the corporation's bank account to Francis' bank account in Puerto Rico. In total, through his unlawful use of his medical licenses, Francis was paid for more than 2,671 illicit prescriptions he authorized, including prescriptions for more than 40,000 dosage units of Phentermine.

This case was investigated by the Drug Enforcement Administration(DEA) and the Internal Revenue Service(IRS), Criminal Investigation. The case was prosecuted by Assistant United States Attorney Christopher P. Tuite.