

PRESS CONFERENCE
U.S. Attorney Ed Kubo
Federal Charges Against Dr. Harold Spear
June 4, 2007

In 2006, we were notified of an on-going criminal investigation in Northern Alabama, which focused on the illegal dispensing of prescriptions by an Internet Pharmacy.

In the course of that investigation, Dr. Harold C. Spear, III, of Kauai was identified as being one of the doctors who was paid to write prescriptions for controlled substances, which the Alabama Pharmacy would then fill and deliver.

That Alabama investigation revealed that Dr. Spear was not conducting physical exams and he did not establish a legitimate doctor-patient relationship before issuing to others --- prescriptions for opiate narcotics which were thereafter filled by the Alabama Pharmacy.

As a result of that investigation and in support of it, on March 7, 2006, a Federal Search Warrant was issued by our Hawaii Federal Court for Spear's Kauai Medical Office, known as Hanapepe Clinic.

However, based on the Alabama case, our investigators began our own criminal investigation of Spear's activities in Hawaii.

As part of this investigation, an undercover agent in California placed a telephone call to Dr. Spear. After only a few minutes of conversation with the agent, Spear willingly issuing a prescription to the agent for 120 Tablets of Hydrocodone with Guaifenesin, a controlled substance.

The agent was thereafter charged by Spear \$175 for the telephone conversation --- and the agent then paid another \$124 for the drugs which was delivered by the Internet Pharmacy through the mail.

On June 27, 2006, we executed a second Search Warrant on Spear's Hanapepe Clinic. Patient files, financial statements, many pre-signed blank prescriptions, and documents relating to Spear's "dial-a-doc" business were recovered from the Clinic.

The "dial-a-doc" business operated by Spear conducted phone consultations and prescribed controlled substances to people without the benefit of any face-to-face medical examination.

Agents also learned that Spear allowed his assistants to complete his pre-signed blank prescriptions in order to refill prescriptions for his customers. These assistants who filled the prescriptions, and who were left alone unsupervised for weeks at a time at the Clinic, only possessed a high school diploma and had no medical training or education.

From this investigation, we have now confirmed that around April 21, 2005, Spear issued a prescription to a patient for almost 2,000 milligrams of Oxycontin, and 600 milligrams of Methadone.

The prescription was written without the benefit of any medical examination to confirm the necessity for prescribing, dispensing, or the taking of that large amount of highly addictive opiate narcotics.

Thus, a criminal complaint was issued against Spear, and he is now charged in Federal Court for knowingly and intentionally distributing or dispensing a Schedule II dangerous drug. If convicted of this charge, the Defendant faces a federal prison term of up to 20 years.

This past Friday (06-01-07), investigators arrested Spear on the charge and also executed a third Search Warrant on Hanapepe Clinic. He is presently being held at the Honolulu Federal Detention Center, and his initial appearance is set for today at 3:00 p.m. before Magistrate Leslie Kobayashi.

Doctors hold a very prestigious place of trust in our society. As such, the law and their industry holds them to a high degree of professionalism.

Everyone would agree that a medical examination --- along with the establishment of a legitimate doctor-patient relationship are absolutely necessary before any doctor issues such a highly addictive narcotic to anyone --- much less to a first time patient.

In this case, Spear did neither. But, he did promptly charge them after issuing the prescriptions for drugs to them.

By not tending to his patients in a professional manner, Spear got greedy and wanted to do as little work as he could to generate the most amount of money. In the process, he risked the health and lives of his patients (many of whom he never met in person).

And, by prescribing large amounts of those highly addictive drugs to others for compensation, Spear stop becoming a medical doctor --- and simply became a common dope dealer.

This federal case is still on-going. We are still identifying other illegal instances involving this Defendant, and we will be charging those cases at a later time.

I would like to thank those agencies who worked so hard in this case, namely:

- Food and Drug Administration, Office of Criminal Investigations;
- Federal Bureau of Investigation;
- Immigration and Customs Enforcement;
- Narcotic Enforcement Division, State Department of Public Safety;
- Kauai Police Department;
- Drug Enforcement Administration

And, I commend all of you for the hard work that you have put into the case. Your work, resulting in this charge, may have saved unknown individuals from future harm or worst.

Finally, I have assigned William Shipley as the Assistant U.S. Attorney to prosecute this case. In the future, he will make himself available to you should you have any further questions pertaining to this case.