



**U.S. Attorney's Office
Northern District of Florida
Press Release**



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Please reply to: Pensacola

PRESS RELEASE

**APALACHICOLA PHYSICIAN SENTENCED TO LIFE IMPRISONMENT
ON DRUG AND FRAUD CHARGES ARISING OUT OF IMPROPER
DISPENSING OF CONTROLLED SUBSTANCES**

TALLAHASSEE -- Gregory R. Miller, United States Attorney for the Northern District of Florida announced that a former Apalachicola osteopathic physician, Thomas G. Merrill was sentenced to life imprisonment on 98 counts of wire fraud, health care fraud, and distribution of controlled substances.

United States District Judge M. Casey Rodgers sentenced Merrill, age 70, to life imprisonment on five counts in which Merrill prescribed quantities of oxycodone, morphine, and fentanyl that resulted in the deaths of:

- Bridgette Persinger, age 53, in Panama City on July 10, 2002;
- Leslie Dyer, age 39, in Gulf County on June 14, 2003;
- Deanna Hayes, age 58, in Franklin County on July 29, 2003;
- Kenneth Noles, age 38, in Panama City on August 30, 2003; and
- Katherian Seay, age 47, in Franklin County on November 3, 2003.

Judge Rodgers also sentenced Merrill to concurrent twenty, ten, and five year terms of imprisonment on the remaining 92 counts. privileges to dispense

highly addictive drugs outside the legitimate practice of medicine. Judge Rodgers also ordered Merrill to pay a special assessment of \$9,800 to the United States, and ordered that a hearing be conducted shortly to determine the amount of restitution that the defendant will have to pay to the State of Florida's Medicaid program, Tricare, and BlueCross/ BlueShield of Florida.

Following a three week trial in United States District Court in Pensacola in January of this year, a jury found Merrill guilty of:

1. eighteen counts of wire fraud,
2. five counts of defrauding health care benefit programs,
including two counts that charged that death resulted from the violation.
3. seventy-five counts of dispensing or distributing controlled substances including oxycodone, commonly known as OxyContin, Percocet, and Percodan; morphine, commonly known as Kadian or Avinza; hydrocodone, commonly known as Lorcet, Lortab, and Vicodin; fentanyl, commonly known as Duragesic; alprazolam, commonly known as Xanax, and diazepam, commonly known as valium; ***including four counts that charged that death resulted from the use of the drugs distributed by the defendant.***

The evidence at trial revealed that MERRILL, a licensed osteopathic physician practicing at the Magnolia Medical Clinic in Apalachicola, prescribed excessive and inappropriate quantities of controlled substances to patients outside the usual course of professional practice, prescribed quantities and combinations of controlled substances to patients but failed to monitor the use and abuse of the prescribed controlled substances by the patients, and prescribed controlled substances in quantities and dosages that would cause patients to abuse and misuse the controlled substances.

This successful prosecution is the result of a joint Federal/State North Florida Health Care Fraud Task Force investigation that involved the Drug Enforcement Administration, the Federal Bureau of Investigation, the Defense Criminal Investigative Service, the Florida Attorney General's Office Medicaid Fraud Unit; the Florida Department of Law Enforcement, the Florida Department of Financial Services; the Florida Department of Health, and the Franklin County Sheriff's Office. United States Attorney Miller commended the tireless efforts of investigators of the agencies involved in this complex investigation, and praised the cooperation of citizens and pharmacists who alerted investigators to excessive prescribing of highly addictive controlled substances by Merrill. United States Attorney Miller stated that, "the protection of citizens in the community from licensed doctors who dispense highly addictive controlled substances such as OxyContin outside the usual course of professional practice is a primary concern of health care fraud investigations. The North Florida Health Care Task Force will vigorously investigate and identify those medical practitioners who use their licenses to peddle controlled substances to abusers and addicts outside the course of standard medical practice. This conduct, along with the theft of public funds and fraud committed against the taxpayers and health care benefit programs remains a priority with the Department of Justice."

For further information, please contact Alan Sprowls at (850) 942-8430.