



# Department of Justice

United States Attorney David E. Nahmias  
Northern District of Georgia

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<http://www.usdoj.gov/usao/gan/>

CONTACT: Patrick Crosby

(404)581-6016

FAX (404)581-6160

## **DOCTOR PLEADS GUILTY TO ALL 175 CHARGES OF ILLEGAL PRESCRIPTIONS**

### ***Dr. Philip Astin III Admits Prescribing Drugs Improperly over 5-Year Period***

Atlanta, GA - Dr. PHILIP C. ASTIN, III, 52, of Carrollton, Georgia, has entered a guilty plea to all 175 counts of a superseding indictment charging him with illegally dispensing prescription drugs from 2002 until his arrest in 2007.

David E. Nahmias, United States Attorney for the Northern District of Georgia, said, "Communities in Carroll County and throughout North Georgia were harmed by the hundreds of illegal prescriptions written by Dr. Astin and the terrible addictions caused or fed by these drugs. This case demonstrates the irreparable damage that can be done when a doctor violates his oath to help others and instead chooses the path of illegal drug dealing. Dr. Astin has now admitted his criminal conduct, and we will continue to work hard to ensure that he receives an appropriate sentence that ensures he is never able to harm anyone again."

Rodney G. Benson, Special Agent in Charge of the DEA Atlanta Field Division stated, "DEA continues to actively investigate medical doctors, pharmacists and other clinicians who indulge in illegal prescribing practices. Although Dr. Astin admitted guilt in this case, the scarred lives of the addicted patients may never heal and he cannot bring back the patient who died of an overdose from drugs prescribed by him. His fate now rests in hands of the United States' judicial system where he will be held accountable for his deplorable actions. Today's guilty plea illustrates how DEA and our local, state and federal law enforcement counterparts are committed to eradicating this problem."

ASTIN pleaded guilty to offenses relating to 19 patients who received hundreds of illegal prescriptions for methadone, Percocet, Oxycontin, M.S. Contin, Demerol, Lorcet, Ritalin, Vicodin, Klonopin, Vicoprofen, Xanax, Adderall, and Soma. Through the plea agreement, ASTIN further admitted that the prescriptions he issued resulted in the death of one patient when she overdosed on the drugs. ASTIN also admitted that he wrote and filled 16 prescriptions for Lortab, Xanax, Dexedrine, Adderall, and Ritalin in the names of two patients without their knowledge.

According to United States Attorney Nahmias and the information presented in court: From approximately May 2002 until the date of his arrest in July 2007, ASTIN intentionally wrote prescriptions for controlled substances that were not for a legitimate medical purpose and were not in the usual course of a physician's professional practice. ASTIN dispensed these prescriptions without conducting the appropriate physical examinations and diagnoses to justify the prescriptions and, as a result, many of the patients who received these illegitimate prescriptions became addicts or had existing addictions which were fed by the illegitimate prescriptions.

ASTIN admitted that he dispensed the painkillers and other drugs that the patients requested without an adequate medical history, physical exam, x-ray, MRI, or referral to an orthopedist or pain management specialist. ASTIN also wrote prescriptions in quantities and in contexts that bore no relationship to a legitimate medical problem or legitimate pharmacological benefit—for example, combinations of several painkillers dispensed together along with muscle relaxers, sleep aids, amphetamines, and other drugs, that are commonly abused together and referred to as “cocktails” by drug abusers.

ASTIN also admitted to writing multiple prescriptions for the same drug on the same date, sometimes as many as four simultaneous Percocet prescriptions to the same patient for the same 30-day period, and wrote undated prescriptions as well. Federal law requires medical practitioners to sign and date each prescription for controlled substances on the date that it is issued. Finally, ASTIN dispensed methadone as a maintenance therapy without the proper license to dispense drugs in this fashion and in quantities and durations that readily perpetuated the addiction of these patients.

The evidence presented at the plea hearing included descriptions of several of the patients to whom ASTIN wrote illegal drugs. For example, two married patients were abusing Lorcet, Xanax, and Soma they received from another doctor and heard from an acquaintance that Dr. ASTIN would give them the prescriptions without conducting a thorough examination. The female patient began receiving the same drugs from ASTIN in 2002 and developed an addiction to the drugs, which continued until her death in 2007. Her husband told investigators that ASTIN never performed any kind of medical examinations or tests to justify the prescriptions that he and his wife received. On June 20, 2007, the patient overdosed on Lortab, Xanax, and Soma that was prescribed by ASTIN and died from acute toxicity of the drugs.

Another patient, who was a professional wrestler, said that it was widely known in the professional wrestling community that ASTIN would dispense prescriptions without performing a medical examination. This patient received prescription drugs, including Lorcet, Percocet, Xanax, and Soma, from ASTIN from December 2004 until November 2005, and said that he did not receive a legitimate medical examination or testing from ASTIN during that time. The wrestler developed an addiction to the drugs, and ASTIN never questioned his addiction and instead simply wrote prescriptions for larger quantities

of pills. The patient said that a number of professional wrestlers obtained prescription drugs from ASTIN for the purpose of abusing the drugs, adding that some of these wrestlers also were addicted to the drugs.

ASTIN was charged in a superseding indictment on May 29, 2008, with 174 counts of illegally distributing prescription drugs and one count of conspiring to distribute prescription drugs. ASTIN pleaded guilty to all 175 counts of the superseding indictment. He could receive a maximum sentence of 20 years in prison and a fine of up to \$1,000,000 on each count. In determining the actual sentence, the Court will consider the United States Sentencing Guidelines, which are not binding but provide appropriate sentencing ranges for most offenders.

Sentencing is scheduled for May, 12, 2009, at 10 a.m., before United States District Judge Jack T. Camp.

ASTIN surrendered his medical license at the time he was arraigned on these charges.

This case is being investigated by Diversion Investigators of the Drug Enforcement Administration (DEA) and the Fayette County Sheriff Department's Drug Suppression Task Force, with the assistance of the West Georgia Drug Task Force, and the Carroll County Sheriff's Department.

This case is being prosecuted by Assistant United States Attorneys John Horn and Jeffrey Davis.

For further information please contact David E. Nahmias, United States Attorney, or Charysse L. Alexander, Executive Assistant United States Attorney, through Patrick Crosby, Public Affairs Officer, U.S. Attorney's Office, at (404) 581-6016. The Internet address for the HomePage for the U.S. Attorney's Office for the Northern District of Georgia is [www.usdoj.gov/usao/gan](http://www.usdoj.gov/usao/gan).