

The Wichita Eagle (Kansas)

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Feds: 56 of doctor's patients OD'd

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Dec. 21--Stephen J. Schneider and his wife, Linda, are scheduled to appear in court today to face 34 criminal charges related to their practice of distributing prescription pain medication from their Haysville clinic.

The 68-page federal indictment says the Schneiders ran a "pill mill" and "narcotics distribution system" but they "did not operate a legitimate medical practice."

The indictment, which followed four years of investigations and a dozen civil lawsuits, says that 56 of Schneider's patients died from accidental overdoses and that he continued to unlawfully prescribe pain medications.

Federal health care fraud prosecutor Tanya Treadway also filed a motion Thursday asking for a court order to keep Schneider, an osteopath, jailed while awaiting trial.

If he's released, Treadway is asking for special conditions, including the surrender of his medical license, because he "presents a danger to the community."

Schneider has for years denied any wrongdoing in his medical practice. His lawyer, David Schippers of Chicago, did not return telephone calls.

From 2003 to 2006, the indictment said, 51 Schneider patients died from accidental drug overdoses.

During that period, the next-highest number of accidental overdoses associated with any doctor in Sedgwick County was nine, according to the indictment. That doctor treated HIV/AIDS patients.

"If that's true, it's just amazing," said Joe Davison, a Wichita family practice doctor who serves on the state's Controlled Substance Monitoring Task Force.

The task force is working on legislation for electronic monitoring of prescription drugs in Kansas.

Death toll

U.S. Attorney Eric Melgren pointed out that the deaths continued after federal authorities raided Schneider's clinic in September 2005.

The indictment cites a total of 56 deaths of Schneider's patients since 2002, including three this year.

"As the number of deaths grew, from 2002 to 2007, the Schneider Clinic continued prescribing painkillers, muscle relaxants and other medications outside the normal medical practice and for no legitimate medical purposes," Melgren said at a news conference Thursday.

The clinic was open seven days a week.

Schneider, 54, kept the state from pulling his Medicaid privileges in 2003 and has kept his license active with the Kansas Board of Healing Arts.

Lawyers representing Schneider in a dozen malpractice lawsuits say that patients died or suffered problems because they abused the prescription painkillers Schneider gave them.

Melgren said Schneider called the patients who died "bad grapes."

Families of former patients who have challenged Schneider in civil actions expressed relief over the criminal charges.

"It's way overdue," said Darrell Hicks Sr., 63, who sued Schneider over the 2004 drug-related death of his son, Darrell Hicks Jr., 24. "It's too bad this couldn't have happened sooner and more lives had to be taken."

Linda Schneider, 49, told The Eagle in 2005 that she ran the clinic at 7030 S. Broadway. The indictment lists her as a licensed practical nurse.

Together, the Schneiders are charged with:

One count of conspiracy

Five counts of unlawful distribution of a controlled substance resulting in serious bodily injury and death

Eleven counts of health care fraud

Thirteen counts of making illegal monetary transactions

Four counts of money laundering

Treadway said in papers filed with the court that it took federal authorities six hours to arrest the Schneiders Wednesday night.

The Schneiders, Treadway wrote, "were seen in at least three different vehicles, and on two occasions were in separate vehicles."

The Schneiders made "random and aimless movements throughout the city, including entering businesses

for only seconds, then leaving and driving to new locations" before federal agents took them into custody, Treadway said.

### Years of legal problems

The criminal charges follow Schneider's agreeing to settle five malpractice lawsuits in the past week for undisclosed payments. Those make up fewer than half of the suits still pending in state court.

The Schneiders' troubles began in October 2003, when state investigators began looking into his practice of prescribing pain-killers.

The state tried unsuccessfully to pull Schneider's ability to collect Medicaid payments.

On Sept. 13, 2005, agents from the federal Drug Enforcement Administration, the Kansas Bureau of Investigation, the U.S. Postal Inspection Service and the Medicaid Fraud Control Unit executed a search warrant, shutting down the clinic for a day.

Within weeks of the search, Wichita lawyer Andy Hutton filed suit on behalf of Lacie Flickinger, then 22, who claimed Schneider's practices got her hooked on drugs.

In that and subsequent lawsuits, one Wichita doctor said emergency rooms across the city were used to seeing Schneider patients arrive with drug complications.

"I know of no other local provider that we see as many complications related to the treatment of chronic pain disorders that we do with patients seen at Dr. Schneider's clinic," John McMaster, an emergency medicine doctor, said in a sworn deposition.

While working in Wichita emergency rooms, McMaster said, he saw more patients from Schneider than from all 11 local pain management doctors combined.

Federal agents investigating the criminal case found that from 2003 to 2007, Schneider's patients were admitted to a single Wichita emergency room 94 times.

"By comparison, all other doctors accounted for an average of less than five overdoses each," the criminal indictment said.

### Peer review?

Such information has shaken the families' confidence in the medical profession's ability to police itself.

"The Board of Healing Arts is a joke," Hicks said.

He filed a complaint with the board shortly after his son's death. He only received acknowledgment letters and finally met with a representative several months ago, he said.

But the lawyer handling the licensing investigation for the Board of Healing Arts said the office has been busy looking into each complaint, now numbering 12, against Schneider.

Kelli Stevens, litigation counsel for the board, said to suspend a license during an investigation there must be a proven "imminent danger" to the public.

"Showing an imminent danger is a very high standard," Stevens said. "It's a tough case. I'm sure it's frustrating for the patients and their families. It's frustrating for us."

But after learning of a federal raid on Schneider's clinic in the fall of 2005, the Medical Society of Sedgwick County met the following February to talk about more closely monitoring prescriptions.

As a result, doctors began working with other health care providers and law enforcement toward enacting an electronic monitoring system to prevent prescription drug abuse.

"The doctors took control of this," said Davison.

Lawsuits continue

Two more malpractice suits were filed this week against Schneider in Sedgwick County District Court.

One was filed on behalf of Jeff Hambelton, the late president of Mel Hambelton Ford.

Hambelton died at age 45 on Dec. 29, 2004, two days after he lost consciousness in his office at the car dealership.

The autopsy showed Hambelton died of "mixed drug intoxication" with medication in his system prescribed by Schneider's clinic.

"When we learned about the large number of deaths associated with the clinic's practice we decided to make public the cause of Jeff's tragic death," his widow, Patty Hambelton, told The Eagle.

Larry Wall, the lawyer representing Hambelton and others, said he expects to file a half-dozen more lawsuits in the coming months.

"He has never changed his practice in spite of mounting deaths and overdose admissions to the local hospital emergency rooms," Wall said of Schneider.

Schneider's lawyers had twice tried to get the lawsuits postponed until after the criminal investigation concluded. Sedgwick County District Judge Mark Vining granted a six-month stay in 2006 but denied the request last July.

Records show Schneider's lawyers began notifying the court about settlement talks soon after Vining's latest ruling.

Schneider settled with Flickinger last week, according to court records.

His lawyers then settled with four other patients Tuesday -- the day before their arrest.

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