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Friday, May 2, 2014

Opelika Doctor Indicted for Selling Misbranded Intrauterine Devices

Montgomery, Alabama - Dr. Yashica Robinson-White, 38 of Opelika, Alabama was indicted by a federal grand jury for health care fraud totaling over \$60,000.00 and for introducing misbranded drugs into interstate commerce, announced U.S. Attorney George L. Beck, Jr..

The six-count indictment filed in U.S. District Court charges Yashica Robinson-White, an Opelika doctor, with committing health care fraud through her ob-gyn practice which provided birth control services to patients in the area.

The indictment charges that Robinson-White committed health care fraud by falsely billing claims to Medicaid for birth control devices known as intrauterine devices ("IUDs"). Robinson-White purchased these IUDs from a company in Great Neck, New York. Because the IUDs were made outside the United States and because the IUDs were not labeling in English, they are considered misbranded drugs under the Food, Drug and Cosmetic Act. The IUDs are treated as misbranded drugs under the law because they release the birth control drug, levonorgestrel. Further, because the IUDs were misbranded, Robinson-White obtained them cheaper than a lawful IUD.

Alabama Medicaid pays ob-gyn doctors like Robinson-White for birth control services such as inserting the IUDs. However, Robinson-White submitted false claims to Medicaid by failing to disclose that she was utilizing the cheaper misbranded IUDs she had purchased from a company in Great Neck, New York. The indictment alleges that from November 2010 through April 2012, Robinson-White billed Alabama Medicaid approximately \$60,300.00 for these misbranded IUDs.

"The Medicaid Program is designed to help those families and women in need," Beck said. "But when Medicaid pays for those services, it expects that the patients will receive legitimate, legal drugs and products. When a doctor uses unapproved drugs and products, the doctor interferes with the ability of the Alabama Medicaid Agency to



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deliver quality health care to the public. This office will continue to investigate and prosecute health care fraud of this kind aggressively and thoroughly.”

Beck pointed out that this case was brought to the attention of his office by the Food and Drug Administration’s Office of Criminal Investigations (FDA-OCI) following a search of the offices of the company in Great Neck, New York, known as Pharmalogical, Inc., doing business as Medical Device King. “FDA-OCI identified more than 1,000 doctors and clinics across the country who had been receiving these misbranded drugs and products. We appreciate their close monitoring of drugs and medical devices being placed into commerce throughout the nation,” Beck noted.

Each count of the health care fraud scheme carries a maximum punishment of 10 years in prison and a \$250,000.00 fine, while the misbranding count carries a maximum punishment of one year in prison and a \$100,000.00 fine. Assistant U.S. Attorney Bob Anderson, who serves as Health Care Fraud Coordinator for the District, and Assistant United States Attorney Denise Simpson are prosecuting the case.

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