

Letter to the Editor: The Pundit Speaks

By Randolph M. Howes, M.D., Ph.D.

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“Brett Favre May Be Drawn into Pain Cream Scandal”

Brett Favre’s name has surfaced in the latest chapter of the federal government's ongoing investigation into pain creams concocted and sold by compounding pharmacies. According to a report by Robert Lowes in *Medscape Medical News*, Favre may be in trouble. In January 2016, federal and state law enforcement agents raided compounding pharmacies in Mississippi, Alabama, Florida, and Utah, according to the Mississippi Bureau of Narcotics. Some \$15 million in assets were seized in the raids, including 24 vehicles, five planes, and two boats. According to WAPT TV, one of the pharmacies was Aspire Pharmacy Compounding in Jackson, Mississippi. The *Wall Street Journal* reported that the FBI was investigating a compounding pharmacy in Jackson, Mississippi, called World Health Industries, which does business as Aspire Rx. That company, a division of Aspire Health, makes a compounded pain cream called *Rx Pro* that Brett Favre, new inductee into the National Football League Hall of Fame, has promoted in television and print ads. For years, the Department of Justice (DOJ) has been investigating compounding pharmacies and their accomplices nationwide that participate in what one federal prosecutor calls a "systemic fraud" against TRICARE, the healthcare program for members of the armed services and their families. As revealed in a string of civil settlements and criminal convictions, physicians have received kickbacks to write bogus prescriptions for pain cream produced by compounding pharmacies. At least one physician receiving this tainted money has wound up as a felon. In June 2015, sports medicine specialist James Morales, MD, in Toms River, New Jersey, pleaded guilty to accepting \$60,000 in cash bribes for referring pain cream scripts to a compounding pharmacy in nearby Lakewood, as well as falsifying health records. The involved pharmacies use marketing companies to cold-call TRICARE beneficiaries and pitch the use of the pain creams and tell customers how the insurance program covers the cost. The marketers collect TRICARE information and the name of the beneficiary's physician over the telephone to generate a prescription, often delivered without an office visit beforehand. TRICARE has been billed as much as \$15,000 for a single prescription. The Department of Defense has said that this pain cream gravy train helps explain why its spending on all compounded drugs ballooned from \$5 million in fiscal 2004 to \$514 million in fiscal 2014. Another Florida pharmacy disguised \$70,000 in kickbacks as speaker's fees for an Indiana physician. The Institute for Safe Medication Practices warns these pain creams can cause "CNS depression or cardiac affects that result in slow breathing, irregular heartbeats, and drowsiness or loss of consciousness."

In the America that I love, we are always on the alert for false medical claims that sound too good to be true. Remember, “buyer beware.”

Randolph M. Howes, M.D., Ph.D.

Surgeon/Scientist/Patient Advocate

27439 Highway 441, Kentwood, LA 70444

985-229-6955 Home | 985-229-3760 – Fax | 985-514-0578 – Cell

rhowesmd@hughes.net | www.iwillfindthecure.org

