

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO. 07- ____
	:	
v.	:	DATE FILED: September 25, 2007
	:	
EDWARD J. QUIRK, M.D.	:	VIOLATIONS:
	:	21 U.S.C. § 843(a)(3) (obtaining controlled
	:	substances by fraud – 11 counts)

INDICTMENT

THE GRAND JURY CHARGES THAT:

At all times relevant to this indictment:

THE DEFENDANT

1. Defendant EDWARD J. QUIRK, M.D. was a medical doctor licensed to practice medicine in the Commonwealth of Pennsylvania.
2. Defendant EDWARD J. QUIRK, M.D. was an anesthesiologist at Jeanes Hospital, located in Philadelphia, Pennsylvania, in the Eastern District of Pennsylvania.
3. As a medical doctor, defendant EDWARD J. QUIRK, M.D., was well acquainted with prescription medicines, including controlled substances.

THE CONTROLLED SUBSTANCES

4. The Controlled Substances Act governed the manufacture, distribution, and dispensing of controlled substances in the United States. Under this statute, there were five schedules of controlled substances, namely, Schedules I, II, III, IV, and V. Controlled substances were scheduled into these levels based upon several factors, including their actual or relative potential for abuse, their history and current pattern of abuse, and their risk, if any, to public

health.

5. Schedule II drugs have a high potential for abuse, and abuse of a Schedule II drug may lead to severe psychological or physical dependence. Drugs designated as Schedule II controlled substances included morphine and fentanyl. Morphine is a highly potent opiate analgesic drug and is the principal active agent in opium. Fentanyl is a pain killer that is approximately 100 times more powerful than morphine. Like most narcotic analgesics used in the operating room, it is short-term with its effects lasting approximately 6 hours.

THE PYXIS SYSTEM

6. Temple University Health Systems, Inc. (“Temple”) operated an inpatient pharmacy at each of its affiliated hospitals, including Jeanes Hospital, that was responsible for compounding and dispensing prescription drugs, including Schedule II to Schedule V controlled substances, to its patients as medically required.

7. In or about 2004, Temple began to implement a new system for the distribution of these prescription drugs, known as Pyxis. This system automated the distribution, management and control of prescription medications, including those on Schedule II through V. With few exceptions, controlled substances were stored in the pharmacy safe or individual Pyxis machines.

8. Under the Pyxis system, machines or stations, known as Pyxis MedStations, were placed throughout the hospital. There were approximately thirty Pyxis units at Jeanes Hospital. The Pyxis system required a user name and password to log in. Some units also required fingerprint identification.

9. The Pyxis system also used various bypasses to entering a user name.

Two such bypass were “AAAnurse” and “Case Setup,” which were used when a nurse needed to enter a temporary patient. This option was to be used in the event of an emergency when a patient required medications or surgical intervention before the patient was registered. When the “AAAnurse” log-in was used, the expected practice was to later match up the withdrawal of medications to the patient’s name.

10. Each time that a person accessed the Pyxis machine to obtain medications, the system automatically recorded the identity of that person, the patient for whom the drug was obtained, and the type and quantity of each medication. Each Pyxis MedStation then interfaced with the Pyxis Console located in the central pharmacy of the hospital, which communicated with the pharmacy computer system, and consolidated all the information regarding the use of prescription medications.

THE DEFENDANT’S CONDUCT

11. From in or about December 2006 through in or about February 2007, defendant EDWARD J. QUIRK, M.D. obtained numerous vials of morphine and fentanyl, using a variety of fraudulent and deceptive techniques and practices.

12. Defendant EDWARD J. QUIRK, M.D. acquired the vials of fentanyl and morphine fraudulently and deceptively in that defendant QUIRK: (a) withdrew vials of fentanyl and morphine from the Pyxis system purportedly for certain patients when, in fact, those patients were previously discharged and no longer admitted at Jeanes Hospital; (b) withdrew vials of fentanyl and morphine from the Pyxis system for unidentified patients under the “AAA Nurse” or “Case, setup” codes without later matching up the withdrawal of medications to the purported patient’s name, when, in fact, there was no emergency such that a patient required medications or

surgical intervention before the patient was registered; (c) withdrew vials of fentanyl and morphine from the Pyxis system for certain patients that was in excess of what was documented on the patient chart; and (d) withdrew vials of fentanyl and morphine from the Pyxis system under the user names of other employees.

13. Defendant EDWARD J. QUIRK, M.D. obtained these controlled substances by circumventing and manipulating the Pyxis system to reflect that he needed these controlled substances to treat pain, and by concealing the fact that he was in fact acquiring the controlled substances for his own personal use.

14. On or about the following dates, at the Jeanes Hospital, located in Philadelphia, Pennsylvania, in the Eastern District of Pennsylvania, defendant

EDWARD J. QUIRK, M.D.

knowingly and intentionally acquired and obtained possession of the following controlled substances by misrepresentation, fraud, forgery, deception, and subterfuge, as itemized below, each acquisition constituting a separate count:

COUNT	DATE	CONTROLLED SUBSTANCE(S)	REASON FRAUDULENT
1	1/1/2007	1 100 mcg vial of fentanyl 1 2mg vial of morphine 1 10 mg vial of morphine	Obtained under defendant QUIRK's user name for patient IDR, who had been discharged on or about 11/17/2006
2	1/17/2007	4 100 mcg vials of fentanyl	Obtained under the user name of Jeanes Hospital employee EF, and not documented in patient CD's patient chart
3	1/19/2007	5 100 mcg vials of fentanyl	Obtained under defendant QUIRK's user name for patient MA, who had been discharged on or about 11/16/2006

COUNT	DATE	CONTROLLED SUBSTANCE(S)	REASON FRAUDULENT
4	1/26/2007	6 100 mcg vials of fentanyl	Obtained under defendant QUIRK's user name for patient NA, who had been discharged on or about 5/15/2006
5	1/30/2007	6 100 mcg vials of fentanyl	Obtained under defendant QUIRK's user name for patient MA, who had been discharged on or about 11/16/2007
6	1/31/2007	2 10 mg vials of morphine	Obtained under defendant QUIRK's user name for patient MA, who had been discharged on or about 11/16/2007
7	2/6/2007	5 100 mcg vials of fentanyl	Obtained under defendant QUIRK's user name for patient LA, who had been discharged on or about 11/22/2006
8	2/8/2007	5 100 mcg vials of fentanyl 2 10 mg vials of morphine	Obtained under defendant QUIRK's user name for patient GA, who had been discharged on or about 1/3/2007
9	2/21/2007	1 10 mg vial of morphine	Obtained under the user name of Jeanes Hospital employee EB, and not documented in patient JG's patient chart
10	2/21/2007	4 100 mcg vials of fentanyl	Obtained under the user name of Jeanes Hospital employee EF, and not documented in patient JS's patient chart

COUNT	DATE	CONTROLLED SUBSTANCE(S)	REASON FRAUDULENT
11	2/26/2007	3 100 mcg vials of fentanyl	Obtained under the user name of Jeanes Hospital employee SB, using the bypass, "Case, setup" without later matching up the withdrawal of medications to an actual patient

All in violation of Title 21, United States Code, Section 843(a)(3).

A TRUE BILL:

GRAND JURY FOREPERSON

**PATRICK L. MEEHAN
UNITED STATES ATTORNEY**