

What is prescription fraud?

There are some kinds of crimes that might be argued to be “victimless” – meaning, contrary to violent crimes or property crimes in which others are injured or their possessions are stolen, a victimless crime is one in which no one (except perhaps for the alleged perpetrator) is harmed. Prostitution is one such supposedly victimless crime; some might say that obtaining prescription drugs without a valid prescription is another.

The trouble with the rationale behind claiming that some crimes have no real victims is that the state of Oklahoma through its criminal law statutes believes otherwise, and this is clearly the case when it comes to prescription fraud.

For example, take a recent story involving a Garfield County woman who used the names of some of her relatives to order unauthorized prescriptions of painkiller medications and used other unwitting relatives (including her husband, who is the Chief of Police in Hennessey) to pick up the orders. Although one was seemingly harmed during this process, it’s one admitted victim – the woman herself, who has admitted her guilt – is facing the possibility of a felony conviction for “[endeavoring to obtain controlled substance by fraud.](#)”

So what exactly constitutes the crime of prescription fraud? And what steps is Oklahoma taking to make it harder to engage in?

Elements of the offense

Prescription fraud involves obtaining, or attempting to obtain, certain controlled drugs in a manner that involves deception, misrepresentation or other forms of fraud. Specific fraudulent acts covered by the applicable statute include forging, altering or concealing prescription information or other material facts (such as names and addresses, applicable drugs, and more). Note that the law prohibits not only fraudulent acts, but also attempts to commit them; you can be prosecuted even if the attempt does not succeed.

The law also makes it a crime for others to either alter prescriptions or to create counterfeit ones for you. Nor will the ordinary physician-patient communication privilege apply to any contacts you may have with a doctor, the purpose of which was to fraudulently acquire prescription drugs.

[The penalty for prescription fraud violations](#) is formidable: up to ten years in a state prison and a fine of up to \$10,000, or both, with enhanced sanctions for subsequent offenses and no allowance for suspended or deferred sentences or probation.

Oklahoma tightens scrutiny of prescriptions

As recently as last year, Oklahoma has had the dubious distinction of being the leading state in the nation when it comes to the [use of prescription painkillers for non-medicinal purposes](#). This has prompted the state government to take increasingly intrusive measures to find those who have been engaging in prescription fraud, most notably through the [Prescription Monitoring Program](#) (PMP). Over time, in connection with the state's Bureau of Narcotics, the effect has been to steadily increase the record-keeping and monitoring of how prescription drugs are allocated. Since 2006 the the PMP has expanded from gathering and reporting the identifications and telephone numbers of prescription end-users, to requiring prescriptions to be reported to the PMP within five minutes of being delivered, and -- as of last November -- for physicians to check patient PMP records before prescribing drugs such as Opioids and Benzodiazepines.

Prescription drug abuse and prescription fraud are indeed crimes that have victims, and if you have been accused of violating Oklahoma law as it relates to illegally obtaining such medications you could experience victimhood firsthand. Having experienced defense counsel on your side can be your best chance of avoiding a felony conviction in this regard.

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<http://law.justia.com/codes/oklahoma/2014/title-63/section-63-2-407>

<http://m.news9.com/story.aspx?story=31755687&catId=112032>

https://www.ok.gov/obnnd/Prescription_Monitoring_Program/

<http://m.newson6.com/story.aspx?story=28700440&catId=112042>