

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

IN THE MATTER OF THE ADMINISTRATIVE
INSPECTION OF THE OFFICE OF
AJAY S. AHUJA, MD. a/k/a IMMEDIATE MEDICAL
CARE CENTER, 825 HIGH RIDGE ROAD
STAMFORD, CT., 06905

Misc. Civ. No. ~~3:14mc25~~ (JGM)

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U.S. DISTRICT COURT
NEW HAVEN, CT.

AFFIDAVIT IN SUPPORT OF AND APPLICATION
FOR AN ADMINISTRATIVE INSPECTION WARRANT

BEFORE: THE HONORABLE JOAN MARGOLIS
UNITED STATES MAGISTRATE JUDGE

The undersigned, being duly sworn, deposes and says:

1. That, as explained below, the affiant, Marcie L. Johnson, a duly appointed Diversion Investigator (DI) of the Drug Enforcement Administration (DEA), United States Department of Justice, assigned to the Hartford, Connecticut Resident Office (RO), believes there exists a valid public interest in the effective enforcement of the Controlled Substances Act and the regulations promulgated thereunder with respect to Ajay S. Ahuja, MD., sufficient to justify issuance of the administrative inspection warrant sought herein pursuant to 21 U.S.C. § 880(d).
2. That pursuant to 21 U.S.C. §§ 878(a)(2) and 880(b)(1), (2), and (3), and Section 3, Appendix to Subpart R, Title 28, Code of Federal Regulations, your affiant is authorized to execute administrative inspection warrants for the purpose of inspecting controlled premises of persons and firms registered under the Controlled Substances Act (21 U.S.C. §§ 801-904) in order to inspect, copy, and verify the correctness of all records, reports, and other documents required to be kept or made under Section 21 U.S.C. § 827 and 21 C.F.R. Part 1304.
3. That according to computer records maintained by the Drug Enforcement Administration, Ajay S. Ahuja, MD., is registered under the registration provisions of the Controlled Substances Act, and has been assigned DEA Registration Number AA3029293, and is doing business at 825 High Ridge Rd., Stamford, CT., 06905. This registration expires on June 30, 2014.
4. That said place of business is a controlled premise within the meaning 21 U.S.C. § 880(a) and 21 C.F.R. § 1316.02 (c).
5. That Ajay S. Ahuja, MD., is required to keep complete and accurate records of all controlled substances received, sold, dispensed, administered, delivered, or otherwise

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disposed of pursuant to 21 U.S.C. 827 and 21 C.F.R. Part 1304, on the controlled premises.

6. That pursuant to 21 U.S.C. 841 and 21 C.F.R. Part 1306.21(b), an individual practitioner may only administer or dispense a controlled substance while acting in the usual course of professional practice.

7. On January 17, 2014, Diversion Investigator Marcie Johnson received information from Mark Hechinger, Counsel for A&S Medical Solutions, a pharmaceutical supplier for Ajay S. Ahuja, MD. The order history received indicated that Ajay S. Ahuja, MD., had received approximately 54,000 tablets of Alprazolam 1 milligram tablets in 2012 and 2013. Alprazolam is a generic equivalent for Xanax, a Schedule IV controlled substance. Order information from A&S Medical Solutions also showed that Ajay S. Ahuja, MD., has also ordered Hydrocodone Acetaminophen, Guaifenesin/Codeine Solution, Testosterone Injection, and Zolpidem Tartrate. Hydrocodone Acetaminophen is a generic equivalent for Lorcet, a Schedule III narcotic substance. Guaifenesin/Codeine Solution is a Schedule V narcotic substance. Testosterone is a schedule III controlled substance. Zolpidem Tartrate is a generic equivalent for Ambien, a schedule IV controlled substance.

8. On January 31, 2014, Diversion Investigator Marcie Johnson and State of Connecticut Department of Consumer Protection Drug Control Agent Pallavi Lele met with Ajay S. Ahuja, MD., who provided the following information:

That in addition to writing prescriptions for Alprazolam that he dispensed Alprazolam to patients from his office.

Dr. Ahuja indicated that he also dispenses other controlled substances to patients from his office.

Dr. Ahuja indicated that he had ordered Zolpidem Tartrate and it probably had not been for patient use

Dr. Ahuja indicated that he had not performed a biennial inventory in the past 3-4 years. The law requires that an inventory be taken at least once every two years.

Controlled Substances were observed not to be stored in a sufficiently secured location within Dr. Ahuja's office.

Dr. Ahuja indicated that testosterone injection stock vials were stored in patient exam rooms that were unsecured.

Dr. Ahuja indicated that he did not maintain a patient chart for his son, Nicholas Ahuja, who has received prescriptions from him for controlled substances.

Dr. Ahuja indicated that he did not maintain a patient chart for his brother, Uttam Ahuja, who has received prescriptions from him for controlled substances.

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Dr. Ahuja indicated that he did not maintain a chart for himself.

9. A telephone prescription was filled for Oxycodone/Acetaminophen on November 23, 2013, at Stamford Pharmacy, 1055 High Ridge Road, Stamford, CT. 06905 located near Dr. Ahuja's office. Mitchell Migden, the Manager of Stamford Pharmacy, indicated to Agent Lele and Diversion Investigator Johnson that three prescriptions were called in by Dr. Ahuja for Dr. Ahuja. Two prescriptions were for non-controlled substances and one was for a controlled substance, Oxycodone/ Acetaminophen. Curiously enough the prescription for Oxycodone/Acetaminophen was followed up by a hard copy prescription made out to Diego Montoya, who lives in a property owned by Dr. Ahuja.

10. Dr. Ahuja indicated that he kept a client chart for Diego Montoya. However when questioned by Agent Lele and Diversion Investigator Johnson about a prescription authorized by Dr. Ahuja for Mr. Montoya as described in Paragraph 9 there was nothing in Mr. Montoya's patient chart. Dr. Ahuja indicated that the only entry in the patient chart for Diego Montoya was for a service date of May 10, 2013.

11. Dr. Ahuja maintained a patient chart for Daniel Anderson but he was not able to establish a valid legitimate medical purpose for the issuance of several Alprazolam prescriptions.

12. Ajay S. Ahuja, MD., told Agent Lele and Investigator Johnson that he did not feel that Alprazolam is a drug that is commonly diverted or abused.

13. A survey of prescriptions filled at CVS Pharmacy, 66 High Ridge Road, Stamford, CT. revealed that four prescriptions for controlled substance were filled for Uttam Ahuja, brother of Dr. Ajay S. Ahuja, between June 9, 2012 and September 26, 2013. Each of these prescriptions were authorized by Dr. Ajay Ahuja despite the fact that he did not maintain a patient chart for his brother.

14. A survey of prescriptions filled at Stamford Pharmacy revealed that six prescriptions for controlled substances were filled for Nicholas Ahuja, son of Dr. Ajay S. Ahuja, between May 11, 2013 and October 28, 2013. Each of these prescriptions were authorized by Dr. Ajay S. Ahuja despite the fact that he did not maintain a patient chart for his son.

15. On December 20, 2013, Daniel Anderson, a patient of Dr. Ajay S. Ahuja, who is on State Pre-Trial Probation in the State of Connecticut, went to visit his Probation Officer, Emmanuel Clementson, State of Connecticut Judicial Branch, Court Support Services Division. Mr. Anderson indicated that he was being prescribed Alprazolam by Dr. Ajay S. Ahuja. Mr. Anderson showed Mr. Clementson a bottle of Alprazolam pills that had been dispensed to Mr. Anderson by Dr. Ajay Ahuja, the day before. The bottle indicated that 90 Alprazolam pills were dispensed by Dr. Ajay S. Ahuja on December 19, 2013 to Mr. Anderson. Mr. Clementson took the bottle of pills from Mr. Anderson and noticed that there were only 18 pills left. Mr. Clementson asked Mr. Anderson while there were

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so few pills left given that he was dispensed 90 pills the day before. Mr. Anderson indicated to Probation Officer Clementson that he had shared the pills with others.

16. Probation Officer Clementson thereafter spoke with Dr. Ajay S. Ahuja to inform him that Mr. Anderson had shared the pills with others. Dr. Ahuja then told Probation Officer Clementson that if Mr. Anderson came back he would give him more Alprazolam.

17. Probation Officer Clementson described all of his interactions with both Mr. Anderson and Dr. Ahuja with Agent Lele and Diversion Investigator Johnson.

18. Based on the foregoing, there exists a valid public interest in the effective enforcement of the Controlled Substances Act, and the regulations promulgated thereunder sufficient to justify administrative inspection of the Office of Ajay S. Ahuja, MD., DEA Registration Number AA3029293, a/k/a Immediate Medical Care Center, located at 825 High Ridge Rd., Stamford, CT., 06905, and the contents thereof for the purpose of seizing all Schedule II through V controlled substance records. The undersigned hereby requests the issuance of such a warrant.

19. The affiant further states that she has verified and has knowledge of the facts alleged in this affidavit, and they are true to the best of her knowledge.

Date: 2-20-14



Marcie L. Johnson
Diversion Investigator
Drug Enforcement Administration

Sworn to before me and subscribed in my presence on this 20th day of February, 2014.

/s/ Joan G. Margolis, U.S.M.J.
JOAN G. MARGOLIS
UNITED STATES MAGISTRATE JUDGE