

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA :  
 :  
 PLANTIFF, : Civil No.  
 :  
 v. :  
 :  
 AJAY S. AHUJA, MD :  
 :  
 DEFENDANT : October 22, 2014

COMPLAINT

Plaintiff, United States of America, at the request of the Drug Enforcement Administration (“DEA”) in the Department of Justice, and by the authority of the Attorney General, complains as follows:

NATURE OF ACTION

1. This is a civil action brought pursuant to the Controlled Substances Act, Title 21, United States Code, Sections 801et. seq. for injunctive relief and civil penalties against Ajay S. Ahuja, MD., for numerous violations of Title 21 Code of Federal Regulations.

DEFENDANT

2. Ajay S. Ahuja, MD., 825 High Ridge Rd., Stamford, CT., 06905, is registered with DEA under Registration #AA3029293 as a practitioner.

3. Defendant is authorized by the United States of America to handle controlled substances as defined in Title 21, United States Code, Section 802.

CLAIMS

COUNT I

Beginning on or about February 17, 2012 and continuing until on or about January 6, 2014, the Defendant did order controlled substances from A&S Medical Solutions and failed to maintain controlled substances receipt records for 17 shipments received of Alprazolam 1 milligram tablets, in violation of Title 21, Code of Federal

Regulations, Section 1304.04(a) and Title 21 United States Code Section 842(a)(5). Alprazolam is a Schedule IV Controlled Substance.

#### COUNT II

Beginning on or about February 17, 2012 and continuing until on or about January 6, 2014, the Defendant did order controlled substances from A&S Medical Solutions and failed to maintain controlled substances receipt records for 8 shipments received of Hydrocodone Bitartrate with Acetaminophen 10/650 milligram tablets, in violation of Title 21, Code of Federal Regulations, Section 1304.04(a) and Title 21 United States Code Section 842(a)(5). During this time period between February 17, 2012 and January 6, 2014, Hydrocodone Bitartrate was a Schedule III Controlled Substance.

#### COUNT III

Beginning on or about February 17, 2012 and continuing until on or about January 6, 2014, the Defendant did order controlled substances from A&S Medical Solutions and failed to maintain controlled substances receipt records for 7 shipments received of Guaifenesin with Codeine Phosphate 10 milligram syrup, in violation of Title 21, Code of Federal Regulations, Section 1304.04(a) and Title 21 United States Code Section 842(a)(5). Guaifenesin with Codeine Phosphate is a Schedule V Controlled Substance.

#### COUNT IV

Beginning on or about February 17, 2012 and continuing until on or about January 6, 2014, the Defendant did order controlled substances from A&S Medical Solutions and failed to maintain controlled substances receipt records for 1 shipment received of Testosterone Cypionate 200 milligram/mL injectable, in violation of Title 21, Code of Federal Regulations, Section 1304.04(a) and Title 21 United States Code Section 842(a)(5). Testosterone Cypionate is a Schedule III Controlled Substance.

#### COUNT V

Beginning on or about February 17, 2012 and continuing until on or about January 6, 2014, the Defendant did order controlled substances from A&S Medical Solutions and failed to maintain controlled substances receipt records for 1 shipment received of Zolpidem Tartrate ER 12.5 milligram tablets, in violation of Title 21, Code of Federal Regulations, Section 1304.04(a) and Title 21 United States Code Section 842(a)(5). Zolpidem Tartrate is a Schedule IV Controlled Substance.

#### COUNT VI

Beginning on or about February 17, 2012 and continuing until on or about January 6, 2014, the Defendant did order controlled substances from J. Knipper &

Company, Inc., and failed to maintain controlled substances receipt records for 10 shipments received of Lyrica 75 milligram tablets, in violation of Title 21, Code of Federal Regulations, Section 1304.04(a) and Title 21 United States Code Section 842(a)(5). Lyrica is a Schedule V Controlled Substance.

COUNT VII

Beginning on or about February 17, 2012 and continuing until on or about January 6, 2014, the Defendant did order controlled substances J. Knipper & Company, Inc., and failed to maintain controlled substances receipt records for 8 shipments received of Lyrica 50 milligram tablets, in violation of Title 21, Code of Federal Regulations, Section 1304.04(a) and Title 21 United States Code Section 842(a)(5). Lyrica is a Schedule V Controlled Substance.

COUNT VIII

On February 21, 2014, the Defendant had a partially used vial of Depo-Testosterone 100mg per milliliter injectable in his controlled substances stock that he was unable to provide receipt records for, in violation of Title 21, Code of Federal Regulations, Section 1304.04(a) and Title 21 United States Code Section 842(a)(5). Depo-Testosterone is a Schedule III Controlled Substance.

COUNT IX

The Defendant failed to separate his Schedule III-V Controlled Substances records from his non-Controlled Substances records as required. Records for Schedule III-V Controlled Substances must be maintained separately as required by Title 21, Code of Federal Regulations, Section 1304.04(f)(2). The Defendant's Schedule III-V Controlled Substance dispensing logs also included dispensing logs for Azithromycin, which is not a Controlled Substance.

COUNT X

The Defendant failed to perform and maintain a biennial inventory of controlled substances as required by Title 21, United States Code Section (827)(a)(1) and Title 21, Code of Federal Regulations, Section 1304.11(c).

COUNT XI

Beginning on or about February 21, 2012 and continuing until on or about February 21, 2014, the Defendant failed to maintain accurate dispensing records for his dispensation of Alprazolam 1 milligram tablets as required by Title 21, United States Code Section 827(a)(3) and Title 21, Code of Federal Regulations Section 1304.21(a). The Defendant received 600 bottles (54,000 tablets) of Alprazolam 1 milligram from A&S Medical Solutions and was only able to account for 541 bottles (48,690 tablets). As a result, the Defendant was unable to account for 59 bottles of Alprazolam 1 milligram,

or 5,310 tablets, approximately 9.83% of his supply received. Alprazolam is a Schedule IV Controlled Substance.

#### COUNT XII

Beginning on or about February 21, 2011 and continuing until on or about February 9, 2014, the Defendant dispensed 517 bottles of Alprazolam 1 milligram. The dispensation log provided by the Defendant was not completed as required and in violation of Title 21, United States Code Section 827(a)(3) and Title 21, Code of Federal Regulations Section 1304.22(c). The Defendant's prescription logs did not bear the typewritten or written initials of the dispensing physician and/or the address of the person to whom the medication was dispensed. Alprazolam is a Schedule IV Controlled Substance.

#### COUNT XIII

Beginning on or about February 21, 2012 and continuing until on or about February 21, 2014, the Defendant failed to maintain accurate dispensing records for his dispensation of Hydrocodone Bitartrate with Acetaminophen 10/650 milligram tablets as required by Title 21, United States Code Section 827(a)(3) and Title 21, Code of Federal Regulations Section 1304.21(a). The Defendant received 120 bottles (3,600 tablets) of Hydrocodone Bitartrate with Acetaminophen 10/650 milligram tablets from A&S Medical Solutions and was only able to account for 99 bottles (2,970 tablets). As a result, the Defendant was unable to account for 21 bottles of Hydrocodone Bitartrate with Acetaminophen 10/650, or 630 tablets, approximately 17.5% of his supply received. During this time period between February 21, 2012 and February 21, 2014, Hydrocodone Bitartrate was a Schedule III Controlled Substance.

#### COUNT XIV

Beginning on or about January 4, 2012 and continuing until on or about February 9, 2014, the Defendant dispensed 92 bottles of Hydrocodone Bitartrate Acetaminophen 10/650 milligrams. The dispensation log provided by the Defendant was not completed as required and in violation of Title 21, United States Code Section 827(a)(3) and Title 21, Code of Federal Regulations Section 1304.22(c). The Defendant's prescription logs did not bear the typewritten or written initials of the dispensing physician and/or the address of the person to whom the medication was dispensed. During this time period between January 4, 2012 and February 9, 2014, Hydrocodone Bitartrate was a Schedule III Controlled Substance.

#### COUNT XV

Beginning on or about February 21, 2012 and continuing until on or about February 21, 2014, the Defendant failed to maintain accurate dispensing records for his dispensation of Guaifenesin with Codeine Phosphate 10 milligram syrup, as required by Title 21, United States Code Section 827(a)(3) and Title 21, Code of Federal Regulations

Section 1304.21(a). The Defendant received 212 bottles of Guaifenesin with Codeine Phosphate 10 milligram syrup from A&S Medical Solutions and was only able to account for 154 bottles. As a result, the Defendant was unable to account for 58 bottles of Guaifenesin with Codeine Phosphate 10 milligram syrup, approximately 27.36% of his supply received. Guaifenesin with Codeine Phosphate is a Schedule V Controlled Substance.

#### COUNT XVI

Beginning on or about December 22, 2011 and continuing until on or about February 9, 2014, the Defendant dispensed 154 bottles of Guaifenesin with Codeine Phosphate 10 milligram syrup. The dispensation log provided by the Defendant was not completed as required and in violation of Title 21, United States Code Section 827(a)(3) and Title 21, Code of Federal Regulations Section 1304.22(c). The Defendant's prescription logs did not bear the typewritten or written initials of the dispensing physician and/or the address of the person to whom the medication was dispensed. Guaifenesin with Codeine Phosphate is a Schedule V Controlled Substance

#### COUNT XVII

. Beginning on or about May 10, 2012 and continuing until on or about February 21, 2014, the Defendant failed to maintain accurate dispensing records for his dispensation of Testosterone Cypionate 200 milligram/mL injectable, as required by Title 21, United States Code Section 827(a)(3) and Title 21, Code of Federal Regulations Section 1304.21(a). The Defendant received 2 vials of Testosterone Cypionate 200 milligram/mL injectable from A&S Medical Solutions and was unable to account for dispensation of any bottles. As a result, the Defendant was unable to account for 2 vials of Testosterone Cypionate 200 milligram/mL injectable, 100% of his supply received. Testosterone Cypionate is a Schedule III Controlled Substance.

#### COUNT XVIII

Beginning on or about August 20, 2013 and continuing until on or about February 21, 2014, the Defendant failed to maintain accurate dispensing records for his dispensation of Zolpidem Tartrate ER 12.5 milligram tablets, as required by Title 21, United States Code Section 827(a)(3) and Title 21, Code of Federal Regulations Section 1304.21(a). The Defendant received 3 bottles of Zolpidem Tartrate ER 12.5 milligram tablets from A&S Medical Solutions and was unable to account for dispensation of any bottles. As a result, the Defendant was unable to account for 3 bottles of Zolpidem Tartrate ER 12.5 milligram tablets, 100% of his supply received. Zolpidem Tartrate is a Schedule IV Controlled Substance.

COUNT XIX

Beginning on or about February 11, 2012 and continuing until on or about July 11, 2013, the Defendant dispensed controlled substances outside of the usual course of his professional practice in violation Title 21, United States Code Section 841(a)(1) and Title 21, Code of Federal Regulations Section 1306.21(b). The Defendant previously told Investigators that he does not maintain a patient chart for Jane Doe #1 aka Jane Doe#1. The following dispensations were provided to Jane Doe #1 aka Jane Dos #1:

02/11/2012: Hydrocodone APAP10/650, 30 tablets  
01/12/2013: Alprazolam 1 milligram, 90 tablets  
02/21/2013: Alprazolam 1 milligram, 90 tablets  
07/11/2013: Hydrocodone APAP 10/650, 30 tablets

Hydrocodone APAP (Hydrocodone with Acetaminophen) is a Schedule III Controlled Substance. Alprazolam is a Schedule IV Controlled Substance.

COUNT XX

Beginning on or about February 6, 2014 and continuing until on or about February 7, 2014, the Defendant dispensed controlled substances outside of the usual course of his professional practice in violation Title 21, United States Code Section 841(a)(1) and Title 21, Code of Federal Regulations Section 1306.21(b). The Defendant previously told Investigators that he does not maintain a patient chart for John Doe#1. The following dispensations were provided to John Doe #1:

02/06/2014: Guaifenesin w/Codeine 4 oz.  
02/07/2014: Guaifenesin w/Codeine 4 oz.

Guaifenesin with Codeine is a Schedule V Controlled Substance.

COUNT XXI

Beginning on or about May 3, 2013, and continuing until on or about August 5, 2013, the Defendant prescribed controlled substances outside of the usual course of his professional practice in violation of Title 21, United States Code Section (841)(a)(1) and Title 21, Code of Federal Regulations Section 1306.04(a). Two prescriptions were written to John Doe#2, the Defendant's DELETED for PUBLIC FILING, and filled at Stamford Pharmacy, 1055 High Ridge Rd., Stamford, CT., 06905. The Defendant previously told Investigators that he does not maintain a patient chart for John Doe#2. The following prescriptions were filled by John Doe#2:

06/28/2013: Zolpidem CR 12.5mg., 30 tablets, RX #301803  
07/29/2013: Zolpidem CR 12.5mg., 5 tablets, RX #301803  
08/05/2013: Zolpidem CR 12.5mg., 25 tablets, RX #301803

09/30/2013: Zolpidem CR 12.5mg., 30 tablets, RX #302403

10/28/2013: Zolpidem CR 12.5mg., 30 tablets, RX #302403

Zolpidem is a Schedule IV Controlled Substance.

#### COUNT XXII

On February 25, 2013, the Defendant prescribed controlled substances outside of the usual course of his professional practice in violation of Title 21, United States Code Section (841)(a)(1) and Title 21, Code of Federal Regulations Section 1306.04(a). A prescription was written to John Doe #3, the Defendant's DELETED FOR PUBLIC FILING, and filled at CVS Pharmacy #343, 66 High Ridge Rd., Stamford, CT., 06905. The Defendant previously told Investigators that he does not maintain a patient chart for John Doe #3. The following prescriptions were filled by John Doe #3.

06/09/2012: Cheratussin AC, 200 ml., RX #224278

11/24/2012: Hydrocodone Bitartrate 7.5/200, 30 tablets, RX #272456

03/27/2013: Hydrocodone Chlorpheniramine, 100 ml, RX #314752

Cheratussin AC is a Schedule V Controlled Substance. Hydrocodone Bitartrate is a Schedule III Controlled Substance. Hydrocodone Chlorpheniramine is a Schedule III Controlled Substance.

#### COUNT XXIII

On February 21, 2014, the Defendant had two bottles of 1 milligram Alprazolam in his possession that had been labeled for patient use. Receiving dispensed medication back from a patient constitutes illegal possession, a violation of Title 21, United States Code Section (841)(a)(1). The Defendant had the following Alprazolam 1 milligram bottles in his possession at his medical office:

Jane Doe #2, dispensed 02/07/2014 (full unopened bottle)

John Doe #4, dispensed 09/24/2012 (partial bottle)

Alprazolam is a Schedule IV Controlled Substance.

Wherefore, Plaintiff, United States of America, respectfully prays:

1. That the Court enter an order assessing against the Defendant, Ajay S. Ahuja, MD., a civil penalty of \$10,000 for each of the violations and occurrences set forth in Counts I-XVIII above, said penalties being in the aggregate amount of \$9,610,000 in accordance with Title 21, United States Code, Section 842(c)(1)(B).

2. That the Court enter an order assessing against the Defendant, Ajay S. Ahuja, MD., a civil penalty of \$25,000 for each of the violations and occurrences set forth in

Counts XIX-XXV above, said penalties being in the aggregate amount of \$400,000 in accordance with Title 21, United States Code, Section 842(c)(1)(a).

3. That the Court enter an order requiring defendant Ajay S. Ahuja, MD., to comply with all federal laws and regulations pertaining to receipts, dispensations, and inventories of controlled substances required by Title 21, United States Code, Section 801 et. seg.

4. That this Court orders such further relief as it considers appropriate.

Dated this 22<sup>nd</sup> day of October, 2014,

Respectfully submitted,

DEIRDRE M. DALY  
UNITED STATES ATTORNEY

JOHN B. HUGHES, AUSA  
CHIEF, CIVIL DIVISION

\_\_\_\_s/\_\_\_\_\_  
ALAN M. SOLOWAY, AUSA  
UNITED STATES ATTORNEY'S OFFICE  
157 CHURCH STREET-25<sup>TH</sup> FLOOR  
NEW HAVEN, CT. 06510  
(203) 821-3700 FAX: (203) 773-5373  
[alan.soloway@usdoj.gov](mailto:alan.soloway@usdoj.gov)  
Federal Bar # ct 01581