



Department of Justice

UNITED STATES ATTORNEY'S OFFICE EASTERN DISTRICT OF MISSOURI

May 25, 2012

For Immediate Release

LOCAL CANCER DOCTOR SENTENCED & PAYS MEDICARE OVER \$1 MILLION AFTER PURCHASING MISBRANDED CANCER TREATMENT DRUGS

St. Louis, MO - Dr. Abid Nisar of Town and Country, MO was fined \$25,000, sentenced to 2 years probation and ordered to perform 200 hours of community service as a result of his previously entered guilty plea to one misdemeanor count of receiving misbranded prescription drugs, including the cancer treatment drugs marketed in the United States as Neupogen®, Herceptin®, and Rituxan®.

Dr. Nisar also entered into a civil settlement agreement earlier this week and agreed to pay \$1,000,336 to resolve allegations that he submitted false claims for payment to the Medicare, TRICARE, Illinois Medicaid, and MO HealthNet (formerly known as Medicaid) programs for assorted misbranded cancer treatment drugs. As part of the agreement, Dr. Nisar will be excluded from future participation in federal health care programs for seven years.

Dr. Nisar is a licensed medical doctor specializing in the treatment of cancer patients, with offices in Florissant, Missouri, East St. Louis and Granite City, Illinois. Many of Dr. Nisar's prescription drugs were not the U.S. version of these drugs that the U.S. Food and Drug Administration (FDA) had approved for use in the United States, and their labeling did not contain National Drug Codes and other legally required information from the U.S. labeling for these drugs. Some of the drugs contained foreign language labeling, for example Turkish language instructions. As such, these prescription drugs were "misbranded" and illegal to receive or provide to patients in the United States.

Dr. Nisar began regularly purchasing these cheaper prescription drugs from businesses associated with co-defendants James Newcomb and Sandra Behe from February through December of 2010, and provided the drugs to his patients without informing them of their source. Nisar then submitted claims for reimbursement to various health care benefit programs, including the Medicare and Medicaid programs, at the normal reimbursement rate without informing the programs of the source of the drugs. Ultimately, Dr. Nisar purchased approximately \$352,504 worth of the cheaper prescription drugs from unlicensed foreign distributors. The civil settlement agreement resolves Dr. Nisar's civil liability from his submission of claims for payment from the Medicare, Medicaid, and Tricare programs for these unapproved drugs.

Dr. Nisar's medical license was previously suspended in Illinois after Dr. Nisar's plea of guilty in this case was accepted by the Court.

Special Agent in Charge Gerald T. Roy of the Kansas City Regional Office of Investigations for the Department of Health and Human Services stated "These investigations and their outcomes not only protect the tax payer from waste, fraud and abuse but, more importantly insure our Beneficiaries are not provided misbranded or adulterated drugs that may adversely impact their health. We will continue to aggressively pursue those who seek to defraud the Medicare and Medicaid programs by administering non- FDA approved products and services."

Co-defendant Sandra L. Behe, 44, La Jolla, CA, previously pled guilty to one felony count of introducing adulterated prescription drugs into interstate commerce; and James R. Newcomb, 51, also of La Jolla, CA, also pled guilty to one count of conspiracy to cause the introduction of adulterated prescription drugs into interstate commerce. Newcomb and Behe are scheduled to be sentenced on June 22, 2012 and July 6, 2012, respectively.

This case was investigated by the Office of Criminal Investigation for the United States Food and Drug Administration and the Office of Inspector General for the United States Department of Health and Human Services, with assistance from the Defense Criminal Investigative Service of the U.S. Department of Defense, the Missouri Attorney General's Office, and the Illinois Attorney General's Office.

###

*IF YOU HAVE QUESTIONS, PLEASE CONTACT PUBLIC INFORMATION OFFICER
JAN DILTZ AT jan.diltz@usdoj.gov or 314-539-7719 .*