California Doctor Charged With Murder For Prescriptions

Andrew Dalton & Linda Deutsch, AP
The doctor passed out prescriptions for drugs like Xanax and OxyContin, Vicodin and Adderall at a rate of 25 per day for three years, with only cursory patient examinations and a minimum of questions, authorities said. Now Los Angeles County prosecutors are determined to show that Dr. Hsui-Ying "Lisa" Tseng, whom they've dubbed "Dr. Feelgood," has done more than overprescribe drugs. They are looking to prove she's guilty of murder, responsible for the deaths of three otherwise healthy men in their 20s.
Tseng, 42, was scheduled to be arraigned on Friday. She was being held on $3 million bail and could face a state prison term of 45 years to life if convicted. After a long probe involving U.S. Drug Enforcement Agency agents posing as patients, Tseng was charged Thursday in the deaths of Vu Nguyen, 29, of Lake Forest, on March 2, 2009; Steven Ogle, 25, of Palm Desert, on April 9, 2009; and Joseph Rovero III, 21, an Arizona State University student from San Ramon, on Dec. 18, 2009.

Rovero, who went by Joey, had been a high school football player in San Ramon and was halfway through his senior year at ASU, where he was studying business and communications. He saw Tseng for the first and only time on Dec. 9, 2009, nine days before his death, and received prescriptions for Xanax and OxyContin, the brand names for Alprazolam and Oxycodone. His autopsy report said Rovero died of acute intoxication of those two drugs. Alcohol was also in his system.

Rovero came into Tseng's office complaining of anxiety and of pain in his hand, back and wrist, and saying a previous doctor had prescribed him OxyContin, Xanax and Soma, according to records from the Osteopathic Medical Board of California. Tseng prescribed the drugs after performing only a partial physical examination that didn't even note which hands or wrists were in pain, the records said. They then cite dozens of failures of Tseng to take the required steps when issuing such prescriptions, including:

- Failing to get a patient history to explain the origin of his pain.
- Failing to get prior treatment records to assure the medical history he gave was true.
- Failing to identify his previous doctors.
- Failing to acquire a history of drug or alcohol abuse.
- Failing to run reports that would assure Rovero wasn't "doctor shopping."
- Failing to provide a record that Rovero gave informed consent to be treated with controlled substances.

Prosecutors list a similar litany of failures in the cases of Nguyen and Ogle. Tseng is charged with 21 other felony counts, including four involving undercover DEA agents, alleging she prescribed drugs using fraud and without a legitimate purpose. District Attorney Steve Cooley said when he announced the charges in a written statement that the case highlights the problem of patients who "die while the doctor gets rich."

Tseng and her husband, also a doctor, opened a storefront medical office in 2005 in the Los Angeles suburb of Rowland Heights. She came under scrutiny by the California Medical Board and the DEA in 2008 after a pharmacy reported problems with her prescriptions. Tseng wrote more than 27,000 prescriptions over a three-year period starting in January 2007 — an average of 25 a day, according to a DEA affidavit. The DEA suspended her license to write prescriptions in 2010 and the Osteopathic Medical Board of California said Tseng voluntarily surrendered her medical license. Her husband continues to run their clinic.

Tseng's attorneys did not reply to phone messages seeking comment on Thursday, but in a 2010 interview with the *Los Angeles Times* she said she was "really strict" with her patients and followed legal guidelines. "If my patient decides to take a month's supply in a day, then there's nothing I can do about that," she said. Tseng's statements were consistent with the most common defense on the rare occasions that doctors are charged with murder for prescriptions.

Attorney Ellyn Garafalo, who has defended doctors in over-prescribing cases, said "a doctor can't control what a patient does with the drugs. A doctor can't be a policeman. The doctor has some deniability." Garafalo noted that prosecutors charged Michael Jackson's doctor with involuntary manslaughter instead of murder in the pop star's death from a drug overdose.

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