



INTERPRETING CRIMINAL STATUTES MORE STRICTLY: Supreme Court Sets Higher Bar for Prosecuting Doctors Who Prescribe Opioids for Pain.

Jeffrey Singer

June 27th, 2022

“Approximately 20 percent of medications approved by the Food and Drug Administration (FDA) are legally prescribed “off-label,” i.e., for different purposes than those for which the FDA approved them. The originators of off-label uses fall outside the mainstream of prescribers, but they are not treated as criminals. And many off-label uses are later approved by the FDA. This is one of the ways clinical medical science advances. The lower court convictions of Drs. Ruan and Kahn treated what, at worst, could have been medical malpractice or standard of care violations as criminal matters. This amounted to, in effect, cops practicing medicine. Cases and convictions like these have sent chills up the spines of other health care practitioners who are trying to help their patients in pain, causing many pain patients to be under-treated or, worse, abandoned.”