



News

Michael Dowell Discusses Impact on Pharmacies of U.S. Supreme Court Ruling that DEA Must Prove Knowing and Intentional Violations of the CSA

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In a legal column published by *U.S. Pharmacist*, Hinshaw partner Michael Dowell discussed the impact of the U.S. Supreme Court's decision in the consolidated case *Ruan v. United States and Kahn v. United States*. The *Ruan* decision ruled that the Drug Enforcement Administration (DEA) must prove beyond a reasonable doubt that a prescriber knowingly or intentionally issued a prescription that they knew or intended was not for a legitimate medical purpose in order to subject that physician to criminal penalties under the Controlled Substances Act (CSA).

Dowell provides a thorough outline of the case, which he describes as having "significant implications for all persons and entities subject to the CSA, including pharmacists and pharmacies who are subject to a 'corresponding responsibility' to only fill lawful prescriptions issued for a legitimate medical purpose."

Dowell addressed the decision's impact on pharmacies and DEA enforcement actions:

With the added *mens rea* element to prove, DEA enforcement actions against physicians, pharmacies, pharmacists, drug wholesale distributors, pharmaceutical manufacturers, and other controlled-substances prescribers for wrongfully distributing or dispensing opioids and other controlled substances under various fact patterns may be less likely to occur and/or less likely to result in convictions.

He added that the decision increases the DEA's elements-of-proof threshold for CSA violation convictions, but is not expected to be a significant obstacle for future DEA enforcement actions.

[Read the full article on the *U.S. Pharmacist* website](#)

"DEA Must Prove "Knowing and Intentional" Violations of the Controlled Substances Act" was published by *U.S. Pharmacist* on November 18, 2022.

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