



U.S. Department of Justice

United States Attorney  
District of Maine

100 Middle Street  
6<sup>th</sup> Floor, East Tower  
Portland, ME 04101

(207) 780-3257  
TTY (207) 780-3060  
Fax (207) 780-3304  
[www.usdoj.gov/usao/me](http://www.usdoj.gov/usao/me)

For Immediate Release  
September 5, 2007

Contact: Paula D. Silsby  
United States Attorney  
Tel: (207) 780-3257

**METHADONE CLINIC PAYS \$1 MILLION  
TO SETTLE FEDERAL CIVIL HEALTH CARE FRAUD CLAIMS**

Portland, Maine: United States Attorney Paula D. Silsby today announced a civil settlement with **CAP Quality Care, Inc** (“CAP”), of Westbrook, Maine. As part of the settlement, CAP paid \$1 million to settle the civil litigation brought by the U.S. Attorney’s Office.

The government alleged that in 2001 and 2002, in the midst of a public health crisis that involved an unusual spike in methadone overdose deaths in the Portland area, CAP engaged in four categories of improper conduct that, among other things, increased the risk that methadone leaving its clinic would be diverted for illegal use.

First, from the time the clinic opened in October of 2001, CAP’s computerized methadone inventory and dispensing system (known as DoPi; pronounced “dopey”) was so unreliable it was impossible to determine whether methadone was being diverted for illegal purposes. Despite senior staff warnings that the system was inaccurate and subject to manipulation, CAP failed to correct the problem or notify federal officials as required by law. Instead, CAP periodically gathered worksheets that reflected the problem, kept the worksheets out of sight of regulators, and put them in a notebook the staff called “The Book That Doesn’t Exist.”

Second, CAP repeatedly gave patients methadone to carry *away from the clinic* despite federal regulations that, as a matter of public safety, required those drugs to be ingested only under medical supervision *at the clinic*. CAP’s unlawful practice not only created a risk of diversion, but it resulted in actual diversion, which in two instances resulted in methadone overdose deaths. In the course of the government’s lawsuit against CAP, the United States District Court for the District of Maine issued a landmark ruling that CAP’s take-home methadone practices not only violated the applicable federal regulations, but that each violation triggered penalties of up to \$25,000. In this case, the government alleged more than 200 such violations.

Third, the government alleged that many of CAP's Medicaid ("MaineCare") patients did not receive the quality of care they deserved. Specifically, with respect to numerous patients, CAP failed to provide the counseling and individualized treatment plans that MaineCare required.

Fourth, CAP falsified a variety of documents. A review of CAP's patient records revealed progress notes that must have been backdated because they were written on a standard form that had not been created as of the date of the notes. The government's record review also revealed various treatment plans that were supposedly signed by a counselor and patient on days when neither could have been present at the clinic.

The settlement ends an investigation that was conducted by the U.S. Department of Health & Human Services, Office of Inspector General, the U.S. Drug Enforcement Administration, and the U.S. Attorney's Office.

U.S. Attorney Silsby praised the investigation conducted by all of those involved.