Judge finds NKY doctor guilty of improper opioid prescriptions

Quinlan Bentley
Cincinnati Enquirer | USA TODAY NETWORK

A Northern Kentucky doctor faces the possibility of prison after a federal judge in Covington found him guilty of improperly prescribing opioids to chronic pain patients he treated in 2016.

Dr. Michael Fletcher, a pain management and addiction treatment specialist, was convicted Friday of three counts of distribution of a controlled substance — a verdict that followed Fletcher's six-day bench trial before U.S. District Judge David Bunning.

The 2021 indictment stemmed from Fletcher's work treating patients at Interventional Pain Specialists in Crestview Hills.

The practice's owner, Dr. Kendall Hansen, was charged alongside Fletcher and ultimately acquitted at trial. Jurors were unable to reach a verdict on two counts against Hansen, but prosecutors later moved to dismiss those charges.

Fletcher was likewise found not guilty of a conspiracy to distribute controlled substances count, with Bunning pointing to a lack of evidence showing the doctors conspired with one another.

"In fact, they didn't agree on much," the judge said, adding that Fletcher's is not a pill mill case.

Fletcher continued prescribing opioid medications to patients while ignoring warning signs of inappropriate substance use and addiction, according to prosecutors. Those red flags included failed urine drug tests, signs of medications being misused and patient histories of substance use.

Bunning said there was no evidence to suggest that Fletcher even tried to obtain patients' mental health records, which would've outlined drug use issues disqualifying them from opioid treatment.

The judge also pointed to testimony that Fletcher's face-to-face interactions with patients were minimal, with one patient unaware the doctor left the practice until roughly two years after his departure.

His patients were bad candidates for opioid treatment, prosecutors said, noting seven of them died of overdoses shortly after being prescribed opioids by Fletcher. However, his convictions stem from the treatment of just two patients.

As a voting member of the Kentucky Board of Medical Licensure, Fletcher should've known the standards for prescribing opioids, which he even enforced by revoking other doctors' privileges due to their opioid prescribing habits, prosecutors said.

One employee even warned Fletcher that the number of patients he was treating could draw the attention of regulators, prosecutors said, adding his prescribing history showed that he was sometimes prescribing to upwards of 80 patients per day.

"I've always endeavored to practice medicine as a ministry and a service to others," said Fletcher, who represented himself at trial and gave his own closing argument.

'His flank was wide-open'

However, Fletcher argued that many of his patients were abandoned by their previous pain doctors after those providers shuttered their practices and that Interventional Pain Specialists became inundated with patients as a result.

"I've always endeavored to practice medicine as a ministry and a service to others," said Fletcher, who represented himself at trial and gave his own closing argument.

"My reputation in this town is good," he added.

In his family medicine practice, Dr. Jeremy Engel relied on Fletcher as a specialist to assist with caring for pain and addiction patients, saying their conditions often improved after seeing Fletcher.

Engel, who's known Fletcher for 15 years, said the verdict was "chilling" because it places doctors who treat high-risk populations in harm's way.

"He gets the worst of the worst and the hardest of the hardest," Engel said of Fletcher's addiction treatment practice, which he founded after leaving Interventional Pain Specialists.

At the time Fletcher was treating pain patients in 2016, doctors were still grappling with how to manage patients with both chronic pain and addiction, he added.

"We're just now figuring this stuff out," Engel said, noting that Fletcher took a lead locally in treating addiction patients at the start of the heroin epidemic.

"Even well-intentioned people, who are imperfect, can be punished," Engel said. "Mike Fletcher is being punished because his flank was wide open."

Fletcher, who now lives in Oklahoma, was allowed to remain free on bond pending final sentencing, which is currently scheduled for Dec. 17. He intends to appeal his conviction.

Inmate who said prison guards beat, pepper-sprayed him settles lawsuit

Kevin Grasha
Cincinnati Enquirer | USA TODAY NETWORK

An Ohio prison inmate, who said he was attacked by multiple corrections officers while handcuffed, has settled a lawsuit he filed against the state Department of Rehabilitation and Correction.

Attorneys for Toby Lamb II say the beating was brutal and "without justification" and left him seriously injured. They say prison officials then tried to prevent Lamb from pursuing grievances against the officers, placing him in solitary confinement and effectively silencing him.

The settlement, signed in June and finalized this month, comes four years after the lawsuit was filed.

In 2021, a federal judge dismissed the lawsuit after the Ohio Department of Rehabilitation and Correction argued that Lamb didn't properly follow the rules of the prison's grievance system. But the 6th U.S. Circuit Court of Appeals reversed that decision, saying a jury could find that Lamb had tried to comply with the grievance system.

"Toby Lamb experienced what so many of our clients have reported to us over the years — misconduct and abuse by prison officials, followed by suppression of any attempt to report the abuse," his attorney, Jacqueline Greene, said in a statement. "We hope that ODRC and its wardens and inspectors put an end to this type of abuse by prison guards and to the silencing of those who dare to report it."

According to settlement documents, the Department of Rehabilitation and Correction will pay $30,000, with neither side admitting liability. The agency denies any fault or wrongdoing.

The lawsuit surrounded a series of incidents that happened in 2018 at the Warren Correctional Institution in Warren County, where Lamb was serving 13½ years for aggravated robbery.

On April, 6, 2018, Lamb was involved in a physical confrontation with a corrections officer. Sometime after, he said, two other officers placed him in a painful position and walked him outside into the night — out of view of surveillance cameras.

They used his head "like a battering ram" to open a door, Lamb's attorneys said, and directed racial slurs at him. Lamb is Black.

Once outside, while he was handcuffed, he said the officers kicked and punched him and used pepper spray. At least three other guards, according to Lamb, joined in the beating, with one holding him on the ground as another sprayed his face with pepper spray.

Later that night, the 42-year-old was transferred to a different prison and placed in solitary confinement.

Lamb's attorneys said being placed in "the hole" meant he wasn't able to respond to a prison official who contacted him using the prison's online message system, JPay. Lamb couldn't access it in solitary. He had made an informal complaint that led the prison official to respond. Lamb said he didn't receive that official's message until almost two years later.

His attorneys said corrections officers effectively denied him access to the prison grievance system, and then state prison officials exploited a federal law, the Prison Litigation Reform Act, intended to control the number of frivolous lawsuits filed by prisoners.

The 6th Circuit, however, said he had been prevented from trying to comply with the grievance system because prison officials made the system unavailable to him.

Lamb's attorneys noted that Lamb pleaded guilty for his attack on the corrections officer. They called the actions of the corrections officers "illegal, brutal and unjust."

Republican vice presidential candidate JD Vance is introduced during the third day of the Republican National Convention at Fiserv Forum in Milwaukee.
JASPER COLT/USA TODAY NETWORK

JD Vance spotted shopping at Jungle Jim's one day after RNC

Bebe Hodges
Cincinnati Enquirer | USA TODAY NETWORK

What do political candidates do once returning from one of the biggest national stages? Well, "shop at Jungle Jim's" is now one answer.

JD Vance was seen shopping at Jungle Jim's International Market on Friday, according to a Facebook post from the store's Director of Development Phill Adams. Adams told The Enquirer Vance was seen at the store's Fairfield location.

The Republican vice presidential candidate stopped at the market, which is known for its eclectic food options, the day after the 2024 Republican National Convention, where the Ohio Senator accepted the nomination to be former President Donald Trump's running mate in the November election.

United States Secret Service members joined Vance while he shopped. The East Walnut Hills resident was also seen with his wife and kids at the store, according to the post.

"He was so kind to mention how our store was a part of his life," Adams wrote in the post. "I thought it may be something he says everywhere, but [they] clearly didn't need someone to guide them to the English section and foods from India."

Vance's wife, Usha Chilukuri Vance, is the daughter of Indian immigrants, which she mentioned during her address at the 2024 Republican National Convention.

"Everyone was able to see him shopping like everyone else," Adams added. "Doubt he'll have much time to do that in the next 4 months."

NOTICE TO CUSTOMERS OF
DUKE ENERGY KENTUCKY, INC.

RECOVERY BY ENVIRONMENTAL SURCHARGE OF DUKE ENERGY KENTUCKY, INC.'S
AMENDMENT TO ITS 2021 AMENDED ENVIRONMENTAL COMPLIANCE PLAN

PLEASE TAKE NOTICE that Duke Energy Kentucky, Inc. ("Duke Energy Kentucky" or "Company") is filing with the Kentucky Public Service Commission ("Commission") on or about July 19, 2024 in Case No. 2024-00152, an Application pursuant to Kentucky Revised Statute 278.183 for approval of the construction of the Limestone Conversion Project (Project) located at its East Bend Generating Station ("East Bend") and an amendment of the Company's Environmental Compliance Plan to include the Project for the purpose of recovering the capital and operations and maintenance (O&M) costs associated with the Project through an increase in the environmental surcharge on customers' bills beginning March 1, 2025 under the Company's existing Rider ESM, also known as the environmental surcharge mechanism. The total capital cost of the Limestone Conversion Project in the Company's Amended Environmental Compliance Plan is estimated to be $125.8 million.

Federal and state environmental regulations require Duke Energy Kentucky to build and upgrade equipment and facilities that produce energy from coal to operate in an environmentally sound manner. Specifically, the Company is seeking Commission approval of a Certificate of Public Convenience and Necessity for the construction and operation of the Project. This construction project requires an amendment of Duke Energy Kentucky's Amended Environmental Compliance Plan that was approved by the Commission in 2022.

Additionally, Duke Energy Kentucky is seeking an order approving the recovery of the costs of the Project through its Environmental Surcharge tariff. The Project is required for the Company to continue to comply with the U.S. Environmental Protection Agency's federal Clean Air Act, and other environmental requirements that apply to Duke Energy Kentucky facilities used in the production of energy from coal. The total capital cost of the Project for which the Company is seeking recovery at this time is estimated to be $125.8 million. O&M costs related to the Project will be similar to O&M costs incurred today and are not distinguishable.

The impact on Duke Energy Kentucky's customers is estimated to be an increase of 1.0% for residential customers and 1.0% on average for non-residential customers in 2025, 2.8% for residential customers and 2.7% on average for non-residential customers in 2026, 2.1% for residential customers and 2.1% on average for non-residential customers in 2027, 1.8% for residential customers and 1.7% on average for non-residential customers in 2028, and 1.8% for residential customers and 1.8% on average for non-residential customers in 2029. For a Duke Energy Kentucky residential customer using 1000 kilowatt hours per month (kWh/mo.), the initial monthly increase is expected to be $1.32 during 2025, $3.63 in 2026, $2.72 in 2027, $2.25 in 2028, and $2.33 in 2029.

The rates contained in this notice are the rates proposed by Duke Energy Kentucky; however, the Kentucky Public Service Commission may order rates to be charged that differ from the proposed rates contained in this notice. Such action may result in rates for consumers other than the rates in this notice.

Any corporation, association, body politic or person with a substantial interest in the matter may, by written request within thirty (30) days after publication of this notice of the proposed rate changes, request leave to intervene; intervention may be granted beyond the thirty (30) day period for good cause shown. Such motion shall be submitted to the Kentucky Public Service Commission, P.O. Box 615, 211 Sower Boulevard, Frankfort, Kentucky 40602-0615, and shall set forth the grounds for the request including the status and interest of the party. If the Commission does not receive a written request for intervention within thirty (30) days of the initial publication the Commission may take final action on the application.

Intervenors may obtain copies of the application and other filings made by the Company by requesting same through email at DEKInquiries@duke-energy.com or by telephone at (513) 287-4366. A copy of the application and other filings made by the Company are available for public inspection through the Commission's website at http://psc.ky.gov, at the Commission's office at 211 Sower Boulevard, Frankfort, Kentucky, Monday through Friday, 8:00 a.m. to 4:30 p.m., and at the following Company office: Erlanger Ops Center, 1262 Cox Road, Erlanger, Kentucky 41018. Comments regarding the application may be submitted to the Public Service Commission through its website, or by mail at the following Commission address.

For further information contact:

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