



NEWS RELEASE

OFFICE OF THE UNITED STATES ATTORNEY
WESTERN DISTRICT OF MISSOURI

TODD P. GRAVES

Contact Don Ledford, Public Affairs • (816) 426-4220 • 400 East Ninth Street, Room 5510 • Kansas City, MO 64106

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FOR IMMEDIATE RELEASE

COURTNEY RECEIVES MAXIMUM SENTENCE FOR PRODUCT TAMPERING, MISBRANDING AND ADULTERATION OF CHEMOTHERAPY DRUGS

KANSAS CITY, Mo. – Todd P. Graves, United States Attorney for the Western District of Missouri, announced that a former Kansas City pharmacist was sentenced today after pleading guilty earlier this year to 20 felony criminal charges related to the dispensing of diluted chemotherapy drugs.

Robert Ray Courtney, 50, of Kansas City, Mo., was sentenced this afternoon to 30 years in prison without parole by U.S. District Judge Ortrie D. Smith. The court also ordered **Courtney** to pay restitution of \$10,452,109.67 to his victims, plus a fine of \$25,000.

Courtney Pharmacy, Inc., d/b/a Research Medical Tower Pharmacy, was also sentenced to pay a fine of \$10,452,109.67, for which **Courtney** and the corporation are jointly and severally liable. **Courtney** is the former owner, president and chief executive of **Courtney Pharmacy, Inc.**, which operated **Research Medical Tower Pharmacy** at 6420 Prospect Avenue, Kansas City, Mo., and **Courtney's Pharmacy** at 8901 W. 74th Street, Shawnee Mission, Kan. The court also ordered **Courtney Pharmacy, Inc.**, to pay a fine of \$1 on each of the 20 counts, after finding that a more substantial fine would impair the ability of the corporate defendant to provide restitution. **Research Medical Tower Pharmacy**, which now has a new name and ownership, is not affiliated with Research Medical Center or any other hospital or health system.

“As a cancer survivor,” Graves said, “I know from personal experience that cancer victims are sustained by two things: trust and hope – trust in the health profession, in whose hands they’ve literally placed their lives, and hope that the prescribed treatment will be effective. Robert Courtney stole the trust and hope of his victims.

“Today’s sentence, by itself, won’t restore that trust and, tragically, comes too late to restore hope for some of his victims. But short of turning back the clock to undo the horrific revelations of the past year, we must be satisfied with Judge Smith’s sentence.”

The court’s sentence reflected an upward departure from the United States Sentencing Guidelines, in accordance with the recommendation that was made by the U.S. Attorney’s Office. Graves noted that the sentence was the maximum punishment provided under the terms of a plea agreement accepted by the court.

“Americans deserve, and expect, that the drugs they’re prescribed are safe and effective, and that they are manufactured in accordance with the highest quality standards in the world,” said Mark B. McClellan, M.D., Ph.D., Commissioner of Food and Drug Administration. “Actions that threaten the public health by compromising the potency and purity of a medication will not be tolerated.”

On February 26, 2002, **Courtney** pleaded guilty to eight counts of tampering with consumer products, six counts of adulteration of a drug and six counts of misbranding of a drug. **Courtney’s** plea agreement required him to submit to a full debriefing by federal law enforcement authorities.

At the time of his guilty plea, **Courtney** publicly acknowledged that he had engaged in the dilution of four chemotherapy drugs, involving 34 patients under the care of a single physician, over a period of a few months in the spring of 2001. At that time, **Courtney** was silent on whether he had engaged in any other drug dilution conduct. During the debriefings that followed his guilty plea, **Courtney** stated that his drug dilution activities were not limited to the conduct he admitted to at the time of his guilty plea. Although he has not pinpointed the precise date his drug dilution activities began, **Courtney** stated that the dilution of drugs at his two pharmacies began sometime in 1992, and perhaps even earlier. **Courtney** identified in excess of 60 different drugs that he claims were diluted. **Courtney** further stated that the drug dilutions were not limited to a finite number of patients being treated by a single doctor, but instead affected numerous doctors and a myriad number of patients.

The number of potentially affected physicians in Kansas and Missouri is approximately 400. The number of potentially affected prescriptions in Kansas and Missouri is approximately 98,000. The number of potentially affected patients in Kansas and Missouri is approximately 4,200.

The case was prosecuted by Assistant U.S. Attorney Gene Porter. Civil aspects of the case were handled by Assistant U.S. Attorney Andrew J. Lay. It was investigated by the Federal Bureau of Investigation, the U.S. Food and Drug Administration, and the Office of Inspector General for the U.S. Department of Health and Human Services.

This news release, as well as additional information about the office of the United States Attorney for the Western District of Missouri, is available on-line at www.usdoj.gov/usao/mow