

## Attorney General James Announces Indictment of Rochester Doctor for Manslaughter in Opioids Overdose Death

*Physician Sudipt Deshmukh Charged with Causing Patient's Overdose Death by Recklessly Prescribing Opioids and Other Controlled Substances*

ROCHESTER – New York Attorney General Letitia James today announced the indictment of physician Sudipt Deshmukh for Manslaughter in the Second Degree and other felonies related to the overdose death of a patient. Deshmukh, 55, of Pittsford, New York, was a primary care physician who prescribed a lethal mix of opioids and other controlled substances that resulted in the overdose death of a patient who Deshmukh knew struggled with addiction. Deshmukh was also charged with two counts of Reckless Endangerment in the First Degree as related to two patients and six counts of Criminal Sale of a Prescription for a Controlled Substance or of a Controlled Substance by a Practitioner or Pharmacist for over prescribing high doses of powerful opioid pain killers. Deshmukh was also charged with Health Care Fraud in the Fourth Degree for causing Medicare, through its contractor Cigna Medicare Healthcare Rx, to pay for the medically unnecessary prescriptions that ultimately contributed to his patient's overdose death.

“Doctors have an obligation to help their patients heal, not drive them deeper into the depths of addiction,” said **Attorney General James**. “It’s unconscionable that a doctor would prescribe a dangerous cocktail of opioids and other controlled substances to a patient known to be struggling with addiction. As New York continues to fight against the ravages of the opioid epidemic, we will continue to take the necessary measures to root out entities that fuel this crisis through ruthless greed.”

A grand jury handed up an indictment in Monroe County, which was unsealed on February 18, 2021, alleging, in the Reckless Endangerment counts, that between 2006 and 2016, Deshmukh was aware of and fostered his patients’ addictions and ignored his professional responsibilities. Without any legitimate medical purposes, Deshmukh prescribed dangerous combinations of opioid pain killers and other controlled substances, including hydrocodone, Oxycontin, oxycodone, Zohydro, methadone, morphine, Opana, and fentanyl, the benzodiazepine alprazolam (a sedative also known as Xanax), and carisprodol (a muscle relaxer also known as Soma) without regard to the risks of death associated with such high levels and dangerous combinations of those drugs.

The case will be calendared in Monroe County Court for arraignment on a date to be set by the Court.

The indictment follows the charges first filed by the Attorney General in a felony complaint on August 31, 2020, alleging that Deshmukh, who, according to witnesses, rarely performed physical examinations on patients who showed clear signs of addiction, provided patients narcotics on request. As detailed in the felony complaint, even after allegedly acknowledging in his own medical chart that patient “J.M.” was an addict and non-compliant with his opioid medication, Deshmukh, in violation of Public Health Law,

prescribed hydrocodone, oxycodone, alprazolam, and carisoprodol, a deadly combination of drugs known as the “Holy Trinity.” Deshmukh allegedly continued prescribing J.M. with the deadly “Holy Trinity” combination of controlled substances even though it was widely known in the medical community at the time that this combination of drugs was routinely abused by addicts to increase their high and that those drugs synergistically would greatly increase the chances of respiratory depression and death. Despite his classic signs of addiction and depression, Deshmukh regularly prescribed J.M. opioid drug combinations allegedly for years at more than 10 times the amount recommended by the U.S. Centers for Disease Control (CDC), an amount that, according to an expert would be appropriate only for end-of-life patients. According to the Monroe County Medical Examiner, J.M. died from an overdose of hydrocodone, oxycodone, and alprazolam. The indictment charges the same offenses for the same acts as the felony complaint.

The Attorney General’s investigation followed an investigation conducted by the New York State Office of Professional Medical Conduct. Based on that investigation, in 2019, the New York State Board for Professional Medical Conduct found that Deshmukh committed multiple counts of professional misconduct as to J.M. and another patient “C.B.” and found that Deshmukh’s treatment of these patients created a significant risk of over sedation, respiratory suppression, significant harm, and death.

The top charge against Deshmukh is a class C felony, with a maximum sentence of 5 to 15 years imprisonment.

The charges against the defendant are merely allegations, and the defendant is presumed innocent unless and until proved guilty in court.

This matter is the latest example of Attorney General James’ commitment to combating the opioid crisis that has taken over the nation during the past decade. Most recently, Attorney General James co-led a coalition of nearly every attorney general in the nation in [an agreement with McKinsey & Co. over its role](#) fueling the opioid crisis by helping Purdue Pharma target doctors they knew would overprescribe opioids. As a result of this agreement, Attorney General James delivered \$573 million nationwide towards opioid treatment and abatement and more than \$32 million for New York state. In March 2019, Attorney General James [filed the nation’s most extensive lawsuit](#) against the manufacturers and distributors of opioids for their role in the opioid epidemic that has taken hundreds of thousands of lives and devastated families and communities.

The Attorney General James encourages anyone exposed to over-prescription of opioids to seek medical care or reach out to the New York State HOPEline at 1-877-8-HOPENY.

The Attorney General would like to thank the New York State Department of Health, OPMC, and the Bureau of Narcotic Enforcement (BNE), as well as the U.S. Department of Health and Human Services, Office of the Inspector General for their valuable assistance in this investigation.

The matter was investigated by staff of the Attorney General’s Medicaid Fraud Control Unit (MFCU), Rochester Regional Office, which investigates fraud, waste, and abuse in the Medicaid program. MFCU Detective Stacey DiSanto investigated the matter, with assistance from Medical Analyst Jennifer Cronkhite, under the supervision of Deputy Chief William Falk. The financial and technical analysis was performed by former Auditor-Investigator Alec Snyder, under the supervision of Principal Auditor-Investigator Jamie Russell-Thomas.

The case is being prosecuted by Special Assistant Attorneys General Margaret A. Jones and Maura O’Donnell, with the assistance of Special Assistant Attorneys General Thomas O’Hanlon, MFCU Chief of Criminal Investigations – Downstate and David Abrams. The Medicaid Fraud Control Unit is led by Director Amy Held and Assistant Deputy Attorney General Paul J. Mahoney. MFCU is a part of the Division for Criminal Justice, which is led by Chief Deputy Attorney General for Criminal Justice José Maldonado and overseen by First Deputy Attorney General Jennifer Levy.

MFCU receives 75 percent of its funding from the U.S. Department of Health and Human Services under a grant award totaling \$60,071,905 for Federal fiscal year (FY) 2019-20, of which \$45,053,932 is federally funded. The remaining 25 percent of the approved grant, totaling \$15,017,973 for FY 2019-20, is funded by New York state. Through MFCU’s recoveries by means of law enforcement actions and civil enforcement actions, it regularly returns more to the state than it receives in state funding.

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