

# Module 1: criminal law civil law (slp)

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## **Module 1: Criminal Law/Civil Law (SLP)**

Module Criminal Law/Civil Law (SLP) Affiliation: What was he accused of doing? Robert Ray Courtney was accused of diluting several cancer treatment drugs prior to supplying them for administration to a couple of cancer patients. Among the drugs that Courtney had diluted included Taxol and Gezmar which were all administered to more than 6 patients who suffered from several bodily injury. Besides the sale of the diluted drugs, Courtney is accused of misrepresenting data on the diluted drugs as undiluted, tempering with products, and misbranding products. According to the facts of the case, Courtney diluted fifty doses of Gezmar that were administered to eight of his patients. Further 26 patients not mentioned in the case, 206 doses were diluted and the drugs administered to them. Courtney was accused for false Medicare claims as he did not disclose to the physicians he supplied the drugs to of having knowledge of the diluted drugs (Clevette, Erbin-Roesemann, & Kelly, 2007).

How long did it go on?

During the first trial in the District Court, Courtney was given the chance to provide the full scope of his deeds and of any other person who he may have affiliated with. A recollection of how long Courtney had been involved in drug dilution is abstractly provided by the number of occasions that he had committed the crimes. Courtney admitted to have tempered with drugs for more than 158 occasions with 34 patients being affected. The number of occasions that Courtney had been involved in the drug dilution shows that he had been up to the crimes for as long as a year before he was finally exposed. In a statement to the District Court, Courtney admitted alleging

that “ Some of us have known since last August”. At the time of the trial, it can be deduced from this statement that the crimes had gone for more than 12 months by the time of incarceration.

How was he exposed?

Following a scheme to make more profits, Courtney had been involved in diluting cancer drugs to ensure that he was selling more products than he was buying from the manufacturers. The exposure of Courtney followed after one of the doctors he supplied drugs send some of the Taxol drugs for lab testing after suspicion had risen that Courtney was selling more than he was buying from manufacturers. After the lab tests, results shows that only 32% of the required dosage was available. After the first confirmation, the doctor called FDA and FBI to file charges on the issue. This followed with federal agents asking the doctor to order for more drugs that would be tested as well. Following the ordering of more Taxol and Gemzar, results showed that the dosages in each drug contained about 17% to 50% of the standard dosage (United States of America v. Robert Ray Courtney, 2004).

What were the charges ultimately filed against him?

Following the revelation of the crimes that Courtney had committed. He was finally charged with eight-product tempering convictions, causing life threatening bodily injury to eight patients, and abuse of a position of trust and use of exceptional skill.

Discuss the aspects of contract law that apply to this case.

With reference to the number of crimes that Courtney was involved in, the case of diluting cancer drugs shows a breach of contract law through misrepresentation. Misrepresentation is a breach of contract law which in Courtney is charged with as he caused losses to 34 patients how had their

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doctors administer the wrong medication to them (Shulman, 2001).

#### References

Clevette, A., Erbin-Roesemann, M. and Kelly, C. (2007). Nursing licensure: An examination of the relationship between criminal convictions and disciplinary actions. *Journal of Nursing Law*, #11 (1): 5-11.

Shulman, H. (2001). The case against without-cause termination provisions in provider contracts. *Healthcare Financial Management*, #55(7): 42.

United States of America v. Robert Ray Courtney. (April 5, 2004). Appeal from the United States District Court for the Western District of Missouri.

Appellate Case, 02-4083.