

20-1410 RUAN V. UNITED STATES

DECISION BELOW: 966 F.3d 1101

LOWER COURT CASE NUMBER: 17-12653

QUESTION PRESENTED:

A physician otherwise authorized to prescribe controlled substances may be convicted of unlawful distribution under 21 U.S.C. § 841(a)(1) if his prescriptions "fall outside the usual course of professional practice." *United States v. Moore*, 423 U.S. 122, 124 (1975). To ensure that physicians are not convicted for merely negligent conduct, however, the federal courts generally permit doctors to advance a "good faith" defense.

The question presented, on which the circuits are deeply divided, is whether a physician alleged to have prescribed controlled substances outside the usual course of professional practice may be convicted under Section 841(a)(1) without regard to whether, in good faith, he "reasonably believed" or "subjectively intended" that his prescriptions fall within that course of professional practice.

CONSOLIDATED WITH 21-5261 FOR ONE HOUR ORAL ARGUMENT.

CERT. GRANTED 11/5/2021