21-5261 KAHN V. UNITED STATES

DECISION BELOW: 989 F.3d 806

LOWER COURT CASE NUMBER: 19-8054

QUESTION PRESENTED:

1. Where the government prosecutes a medical practitioner under the Controlled Substances Act for issuing a prescription outside "the usual course of professional practice," is the government required to prove that the doctor *knew* or *intended* that the prescription be outside the scope of professional practice?

2. Does a "good faith" defense in the context of a licensed medical practitioner prosecuted under the Controlled Substances Act protect doctors who have an honest but mistaken belief that they have issued the charged prescription in "the usual course of professional practice;" and, if so, must that belief be objectively reasonable?

3. Should the "usual course of professional practice" and "legitimate medical purposes" prongs of C.F.R § 1306.04(a) be read in the conjunctive or the disjunctive?

CONSOLIDATED WITH 20-1410 FOR ONE HOUR ORAL ARGUMENT.

CERT. GRANTED 11/5/2021