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## Dr. Hatem Ataya held on \$5M bond after 3 men overdosed

By Phil Foley

**LAPEER** — A **Flushing** doctor, with offices in Lapeer, **Davison** and **Flint**, remains held at the Lapeer County Jail on a \$5 million bond after being arrested Tuesday on his way to work on charges that he was responsible for the drug overdose deaths of three Lapeer men in 2012.

Dr. Hatem Ataya, 47, is due back in court at 9 a.m. Friday in front of 71A District Court Judge Laura Cheger Barnard for a probable cause hearing.

Lapeer Police Dept. Officer A.J. Wetzel and a DEA agent took Ataya into custody as he was getting gas Tuesday morning on his way to work at a gas station on M-15 near Lapeer Road in **Davison**. Det./Sgt. Craig Gormley said he was “cooperative.”

The doctor, who’s been under investigation for nearly three years, was taken before Deputy Magistrate Michael Delling in Lapeer where he was arraigned on three counts of delivery of a controlled substance causing death and three counts of delivery and manufacture of less than 50 grams of methadone.

Methadone is an opioid used as a pain reliever and as part of drug addiction detoxification and maintenance programs.

Lapeer Police Dept. investigators said Robert J. Holmes, then 41; John S. Wilson, then 51, and Roger W. Kerr, then 47, all died of methadone overdoses while under Ataya's care in 2012.

Gormley said Ataya came to his attention after he noticed three people had died in a seven-month span, all from the same drug prescribed by the same doctor. Lapeer County Prosecutor Tim Turkelson noted that two women in Ataya's care also died of drug overdoses the following year.

Turkelson said a [Lapeer County](#) woman, identified as Amanda, died Feb. 20, 2013, followed by a woman identified as Jessica May 18, [2013 in Genesee County](#). Turkelson said he didn't file charges in these deaths because one victim died in Genesee County and he couldn't prove her prescription was written in Lapeer County and the Lapeer County woman had multiple drugs in her system at the time of her death.

Turkelson said bond was set at \$5 million for Ataya "because of the substantial cash assets that the Defendant has." He noted investigators found nearly \$100,000 in cash at his home, adding Ataya has substantial property holdings that could be leveraged to gain additional funds. That, and the fact that he could be sentenced to life in prison, if convicted for any of the three fatalities, Turkelson said, "increases the chance of leaving the jurisdiction."

Drug cases involving physicians are particularly difficult for law enforcement and prosecutors. According to [criminaldefenselawyer.com](#), "a doctor or health care provider can be guilty of a crime by writing prescriptions that are either not medically necessary or for an amount of drugs greater than a person actually needs," defense attorney's argue their clients "had medically valid reasons for writing prescriptions, or no reason to suspect that they were filling an invalid prescription."

Holmes died Jan. 5, 2012, following by Wilson Jan. 22 and Kerr July 21. Gormley said because all three men were Lapeer residents, the reports of their drug overdose deaths crossed his desk.

Gormley said paramedics were able to save a 32-year-old Lapeer woman who overdosed on methadone Aug. 13, 2012 and he met DEA agents “a couple of days later.” Investigators didn’t execute a search warrant at Ataya’s office until March 26, 2013.

James Burdick, a [Bloomfield Hills](#) attorney, represented Ataya in front of the state Board of Medicine’s Disciplinary Subcommittee last month on the same matter.

The subcommittee, he said, cited Ataya with negligence and fined him \$3,500 on May 20 for what Burdick characterized as “bad record keeping.”

In the subcommittee’s administrative complaint against Ataya, the three dead men were referred to by initials and in each case he was accused of having records that were “basically illegible.”

Noting that other physicians have been fined as much as \$50,000 by the same body, Burdick said the \$3,500 fine was about “they least they could do.”

Burdick said, “It’s not like we won something. They (the state Attorney General’s Office) offered and we accepted.”

“There are a lot of people. There are a lot of records. There are a lot of facts,” Gormley said.

Turkelson said Ataya’s pattern of prescribing methadone was “in a manner that is not medically appropriate.” Given that three people died, he called the fine levied against Ataya “outrageous.” Burdick, who said he will not be handling Ataya’s criminal defense, countered that since five DEA agents were involved in the investigation if there had been a strong case federal charges would be filed. He suggested agents don’t like to be told no, and they keep looking until they find someone who says yes.

Burdick called Ataya “a fine man,” adding “everything he told me

was true.”

Cheri Pfeiffer, executive secretary of [Lapeer County](#)'s FAN (Families Against Narcotics) chapter, however, said he's "very well known in the community as a doctor you can go to and he will prescribe anything." Her first response to his arrest was "Awesome." Pfeiffer maintains he's one of two or three doctors in [Lapeer County](#) who "create monsters."

Turkelson said the dead men had "numerous physical complaints that did not justify the methadone prescriptions based on our expert's opinion." According to Turkelson, Ataya's methadone prescription rate was in the "top four or five percent in the state." He said it's a "very dangerous drug" because it has a "very long half-life" and its effects are slow to be felt, giving it a high potential for an accidental overdose.

Ataya's criminal case isn't his only legal problem at the moment. He's also being sued for malpractice in Genesee County by [Detroit](#) lawyer Brian McKeen of McKeen & Associates. McKeen represents Scott Holifeld.

McKeen claims Ataya prescribed steroid therapy without informed consent for Holifeld, who had a history of diverticulitis and IBS. According to McKeen, steroids caused a perforated duodenal ulcer and his client required emergency surgery and additional procedures over the course of the next few months. Holifeld, McKeen said, lost most of his intestine and colon and has a permanent ileostomy bag.

"Patients go to doctors trusting that they will use their education, training, and experience to determine if they need a medication and if so which medications are safe for them to use. Sadly, the facts of our case versus Dr Ataya — and those of the three cases where he has been indicted — suggested that he has violated the most basic and fundamental rule of medicine: 'first do no harm.' We hope that the doctor will be made to accept responsibility both criminally and civilly for the deaths and injuries he has caused," McKeen said.

Ataya earned his medical degree at the University of Damascus (Syria) in 1992. He completed his residency at Robert Packer Hospital in Sayre, Penn. and a fellowship at the Indiana University Medical Center.

He's affiliated with Hurley Medical Center and McLaren-Flint.