



# Department of Justice

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District of New Hampshire

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## **FORMER EMPLOYEE OF EXETER HOSPITAL ARRESTED IN CONNECTION WITH HEPATITIS C OUTBREAK**

CONCORD, N.H. –David Matthew Kwiatkowski, 32, a former employee of Exeter Hospital, was arrested in Massachusetts and charged with obtaining controlled substances by fraud and tampering with a consumer product, announced United States Attorney John P. Kacavas.

The charges against Kwiatkowski relate to suspected thefts of the controlled substance Fentanyl, a powerful anesthetic that is substantially more potent than morphine. Although Fentanyl has many legitimate medical usages, it is also subject to diversion and abuse. In addition to stealing Fentanyl, Kwiatkowski, who has Hepatitis C, allegedly caused at least 30 individuals to become infected with the blood-borne virus that can cause serious damage to the liver. According to the Centers for Disease Control and Prevention (CDC), Hepatitis C causes more deaths annually in the United States than HIV.

According to an affidavit filed in federal court in New Hampshire today, Kwiatkowski was employed as a medical technician in the cardiac catheterization laboratory (CCL) at Exeter Hospital between April of 2011 and May of 2012. According to the affidavit, Kwiatkowski was observed leaving the CCL during procedures, sweating profusely, attending procedures on his off-days, and engaging in other suspicious behavior. One witness claimed that he appeared to be “on something” while another witness claimed to have observed “track marks” on his arms. As a technician, Kwiatkowski should not have had access to controlled substances such as Fentanyl. However, a search of his vehicle located an empty Fentanyl syringe and several needles.

The affidavit alleges that Kwiatkowski engaged in drug diversion and infected patients with Hepatitis C. Drug diversion occurs when an employee with access, authorized or otherwise, “switches” syringes. This “switch” occurs when a person steals a syringe containing narcotics intended for a patient, injects himself with the drug, and replaces the drug in the syringe with another liquid (such as saline), which is then injected into the patient. The investigation has revealed that Kwiatkowski was involved in an incident at a hospital in another state where he allegedly stole a syringe containing Fentanyl from an operating room and replaced it with a syringe containing a different liquid.

If a person with Hepatitis C engages in drug diversion in this manner, the patient who receives the fluid from the tainted syringe can contract the disease. Kwiatkowski has insisted to law enforcement officers that he only learned that he was infected with Hepatitis C in May of 2012. However, investigators have uncovered evidence that he has had this disease since at least June of 2010, or two years.

Testing of blood samples from Exeter Hospital patients by the New Hampshire Department of Health and Human Services' Division of Public Health Services (DPHS) and the CDC has identified genetic similarities between Kwiatkowski's Hepatitis C strain and that which infected the 30 patients identified to date. All of the infected patients were treated at Exeter Hospital during the precise time frame that Kwiatkowski was employed there. The only known scientific explanation for an outbreak of Hepatitis C at a health care facility over such a long duration is drug diversion by a health care worker. The affidavit alleges that, by engaging in this diversion activity, Kwiatkowski recklessly put patients at risk of death or serious bodily injury.

The affidavit states that Kwiatkowski is originally from Michigan. Prior to working in New Hampshire, he was a traveling medical technician who worked on a contract basis in no fewer than 6 other states. The United States Attorney's Office for the District of New Hampshire is collaborating with the CDC and the Departments of Public Health in those other states where Kwiatkowski worked to address any possible public health implications. There is no evidence to suggest that Kwiatkowski worked at any other health care facilities since he stopped working at Exeter Hospital in May.

Kwiatkowski was arrested this morning at a hospital in Massachusetts, where he is receiving medical treatment. He appeared before a United States Magistrate Judge and upon his discharge from the hospital, he will be remanded to the custody of federal authorities in New Hampshire. If convicted on the pending charges, Kwiatkowski faces up to twenty (20) years in prison for tampering with a consumer product and four (4) years in prison for obtaining controlled substances by fraud. Each offense also is punishable by a fine of \$250,000.00 and a term of supervised release following any sentence of imprisonment.

United States Attorney John P. Kacavas commented on the arrest, saying "the evidence gathered to date points irrefutably to Kwiatkowski as the source of the Hepatitis C outbreak at Exeter Hospital. With his arrest, we have eliminated the menace this 'serial infector' posed to public health and safety."

The United States Attorney's Office and the FBI will be attempting to contact all of the potential victims in this case in the near future. This investigation, which remains active and ongoing, has involved the cooperative efforts of federal, state, and local law enforcement entities, including the Federal Bureau of Investigation, the Office of Inspector General of the U.S. Department of Health and Human Services, the Drug Enforcement Administration, Office of Criminal Investigations of the Food and Drug Administration, the New Hampshire Attorney General's Office, the New Hampshire State Police, and the Exeter, New Hampshire Police Department. Assistance also has been provided by the New Hampshire Drug Task Force, the Marlborough, Massachusetts Police Department, the Boxborough, Massachusetts Police Department, and the United States Attorney's Office in the District of Massachusetts.