

Bad Medicine or bad justice?

How Two Respected Gary Physicians Wound Up Doing A Combined 20 Years In Federal Prison

Chicago Tribune

August 31, 2008 | BY DON TERRY

As little boys growing up in Gary, Ind., David Chube Jr. and his brother, Charles Randall Chube, whom everyone calls Randy, accompanied their courtly physician father to the hospital on his rounds. For the two youngsters it was like hanging out with a super hero. He'd slip into his white coat, drape a stethoscope around his neck and make sick people well.

But even Daddy wasn't perfect. Cancer still killed Mommy.

After their mother's death on New Year's Day, 1968, the brothers began spending even more time with their grieving father. They would go with him to the hospital to check on patients almost every Sunday. Straight from Mass at Holy Angels Cathedral. David was 9. Randy was 5.

Sometimes, their father's patients could only afford to pay him with bushels of collard greens or with homemade desserts fresh from the oven. "There was always a cake from Mrs. Burton around the house," David remembers.

Maybe that's why the brothers fell in love with doctoring. They followed their father's footsteps all the way to his alma mater, Meharry Medical College in Nashville, and all the way back to Gary.

The two young African-American physicians could have practiced medicine in more glamorous, lucrative places. They chose to work alongside their father, Dr. David Chube Sr. "Being born and raised in Gary," Randy says, "I wanted to go back to the community, to give back. I felt a sense of obligation."

When the brothers set out on their own in 1998, they didn't go far. They hung their medical licenses up in an office they shared 15 blocks up Broadway, Gary's main thoroughfare, from their dad's. Before long, they had almost 6,000 patients and opened a second office in nearby Munster. Randy became known throughout the area for his gentle manner and his skilled, award-winning treatment of HIV-AIDS patients, whether they could pay or not. David was Dr. Congeniality, oozing charm and swagger, the easy banter of an ex-jock. David went to college on a basketball scholarship. Like his father, he was willing to give down-on-their-luck patients a break. One man who owned a small meat market paid for his office visits with bags of steaks and ribs.

The brothers did well by doing good. They lived with their handsome families in swank houses in Chicago and the western suburbs.

Their lives were charmed. Their plummet from grace was a free fall.

In 2004, the United States government began equating the brothers with street-corner drug dealers, accusing them of writing prescriptions for powerful pain medications such as OxyContin and Vicodin as well as other legal drugs for no "legitimate medical purpose and outside the scope of professional practice." The recipients of the prescriptions were said to be 98 of the Chubes' nearly 6,000 patients. Contained in a 33-count, 53-page indictment, the charges included [unlawful distribution of narcotics](#), conspiracy and health-care fraud.

The Chubes "weren't functioning as doctors," the jury was told by Asst. U.S. Atty. Diane Berkowitz at the end of the brothers' two-week trial in the U.S. Courthouse in Hammond in spring 2006. According to the veteran prosecutor's closing argument, the brothers performed shoddy physical exams or none before prescribing powerful narcotics to even new patients. They kept lousy charts and files. They ordered few tests and turned a blind eye to obvious signs of abuse. One troubled young woman, Berkowitz said, spiraled out of control and became an addict under their care. "They were just handing out pills," she said.

Then it was Kevin Milner's turn to speak. A former federal prosecutor in Indiana, Milner was the Chubes' lead attorney. Milner said the government "cherry picked" the files of the most troubled patients and was trying to send two honest doctors to prison, essentially for what amounted to allegations of malpractice, a civil offense. To do it, he said, prosecutors were using criminal statutes "that you use for [former Panama dictator Manuel] Noriega, for people that are smuggling in drugs from Panama, for large-scale cocaine dealers who move kilograms of cocaine in trucks." "These are doctors," he said. "They're paying taxes and they have a business. These guys are not drug dealers."

After nearly two days of jury deliberations, Randy Chube was acquitted of all but one count of unlawful distribution -- in this case, writing a single prescription that he, his brother and their office manager insist he did not even write.

"I thought maybe it was a witch hunt to teach other doctors a lesson," one juror told me recently about the trial. "We went over all 98 charts, some of them many times. We started compromising. We thought maybe they'd get their licenses suspended for a while. I don't believe one person in that jury room thought they were going to go to jail.

--