

# **Attorney General Raoul Charges Former Lurie Children's Hospital Employee With Alleged Theft Of Nitrous Oxide**

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CHICAGO - Attorney General Kwame Raoul today announced his office has charged a former Ann & Robert H. Lurie Children's Hospital employee who allegedly stole and sold approximately 10 tanks of nitrous oxide, a medical gas used as an anesthetic in medical procedures and surgeries.

The Attorney General's office charged Mitchell R. Gunther, 39, of Burbank, Illinois today with one count of burglary, a Class 2 felony punishable by three to seven years in prison; two counts of theft over \$500, Class 3 felonies each punishable by two to five years in prison; and two counts of possession of nitrous oxide with the intent to deliver, Class 3 felonies each punishable by two to five years in prison. Gunther's bond was set at \$10,000, and his next court date is scheduled for March 20.

"The Ann & Robert H. Lurie Children's Hospital uses its supply of nitrous oxide to safely perform critical and life-saving surgeries on sick children and teens. It is

outrageous that someone would use their access at the hospital and jeopardize vulnerable patients in order to make a personal profit,” Raoul said. “My office is committed to working with federal law enforcement agencies to hold individuals accountable for abusing their positions and endangering others.”

According to Raoul, Gunther worked as an assistant in charge of Lurie Children’s Hospital’s medical tank gas supply from June 2020 until March 2022. In October of 2021, another hospital employee observed abnormalities in the medical gas storage room and the gas delivery systems, including tanks missing from storage supply racks and an increase in nitrous oxide deliveries. In March of 2022, Lurie staff deemed the hospital’s supply of nitrous oxide gas as being critical when only one tank remained attached to the hospital’s gas supply. According to Raoul, an investigation revealed video of Gunther on three occasions using his personal vehicle to transport tanks of nitrous oxide outside work hours. Gunther’s employment with Lurie’s was subsequently terminated.

Raoul alleges that after being fired by Lurie Children’s Hospital, Gunther traveled to St. Mary’s Hospital on Chicago’s West Side and posed as a nitrous oxide delivery driver for Medox, a gas delivery company Gunther previously was employed by. Raoul alleges Gunther stole two tanks of nitrous oxide from St. Mary’s and replaced them with empty tanks.

The case was investigated by the Federal Bureau of Investigations (FBI) and the U.S. Food and Drug Administration’s (FDA) Office of Criminal Investigations.

“As alleged, this injustice endangered our community’s children and the medical personnel that cared for them,” said Special Agent-in-Charge of the Chicago Field Office of the FBI. “These charges are the first step in ensuring that justice is served, and I am proud of the work done here alongside our partners.”

“Diverting medical supplies from the patients who need them causes harm to the patients and to the health care system,” said Special Agent in Charge Ronne G. Malham, FDA Office of Criminal Investigations Chicago Field Office. “We commend the efforts of the Illinois Attorney General’s Office for vigorously pursuing the prosecution of this matter.”

The public is reminded the defendant is presumed innocent until proven guilty in a court of law.

Deputy Bureau Chief John Brassil is prosecuting the case for Raoul’s Special Prosecutions Bureau.