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Drug firms fueled 'pill mills' in rural WV

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AP file photo

Toby Talbot

Over five years, the nation's largest drug wholesalers flooded notorious "pill mill" pharmacies in West Virginia's smallest towns and poorest counties with hundreds of thousands of painkillers, according to court records the companies had sought to keep secret for more than a year.

The prescription drug distributors shipped large quantities of oxycodone and hydrocodone tablets to small

towns like War, Kermit, Oceana, Van and Crab Orchard, supplying mom-and-pop pharmacies that filled prescriptions from doctors, some of whom were later convicted of federal crimes.

Some examples: H.D. Smith Drug Wholesale Co. sold 39,000 pain pills over two days to two Mingo County "sham" pharmacies located within four blocks of one another, according to allegations in the court records. Another prescription drug distributor, Top Rx, shipped more than 300,000 tablets of hydrocodone – known better under brand names like Lortab and Vicodin – over four years to a McDowell County pharmacy in the town of War, population 808. That amounts to 350 hydrocodone pills per person in War.

"The distribution of vast amounts of narcotic medications to some of the smallest towns and unincorporated rural areas of our state should have set off more red flags than a school of sharks at a crowded beach," said Delegate Don Perdue, D-Wayne. "In this case, perhaps the most unfortunate aspect was that the sharks controlled not only the distribution of the drugs, but the warning flags as well."

On Monday, Boone County Circuit Judge William Thompson ordered the release of previously sealed court documents that include details about the companies' pill shipment records to specific pharmacies in Southern West Virginia.

Thompson's ruling follows a Charleston Gazette-Mail motion to unseal a revised complaint that's part of a state lawsuit. The complaint alleges the firms shipped an excessive number of pain pills to West Virginia between 2007 and 2012, helping to fuel the state's ongoing prescription drug problem.

The drug companies repeated their request to keep the court records under wraps Monday morning. They've been fighting the release of the pain-pill shipment numbers since January 2015.

"Our position is, this is proprietary data," said A.L. Emch, a Charleston lawyer, who represents AmerisourceBergen Drug Corp., one of the companies being sued by the state. "No good reason exists at this point to disclose that information."

The judge disagreed, and two hours later he ordered the release of the court records.

Thompson redacted, or blacked out, pill shipment information for seven drug wholesalers that have reached settlement agreements with the state. Six of those companies agreed to settle with the state over the past two weeks – after the newspaper filed its motion to intervene.

The court records release Monday include pill shipment records supplied by the prescription drug

wholesalers and the U.S. Drug Enforcement Administration to lawyers representing the state Attorney General's Office, Department of Health and Human Resources, and the state Department of Military Affairs and Public Safety.

The documents show that over the five-year span:

n AmerisourceBergen, the nation's third largest drug distributor, shipped 60.9 million hydrocodone pills and 26.6 million oxycodone tablets to West Virginia. That's 33 hydrocodone pills and 15.5 oxycodone pills for every man, woman and child in West Virginia.

In 2009 alone, AmerisourceBergen supplied 149,000 hydrocodone pills, or 12,400 tablets a month to a single pharmacy in Williamson, Mingo County, according to the state's lawsuit. Three doctors who wrote prescriptions at that pharmacy were indicted on federal charges the following year.

Over two days in 2012, AmerisourceBergen also shipped 8,000 hydrocodone pills to a "drive-in" pharmacy in Boone County.

The company issued a statement Monday.

"At AmerisourceBergen, we are committed to the safe and efficient delivery of controlled substances to meet the medical needs of patients," said Lauren Moyer, a company spokeswoman. "We work diligently to combat diversion and are working closely with regulatory agencies and other partners in pharmaceutical and healthcare delivery to help find solutions that will support appropriate access while limiting misuse of controlled substances."

n Drug wholesaler H.D. Smith shipped 12.4 million hydrocodone pills and 3.2 million oxycodone tablets to West Virginia.

In January 2008, the company distributed as many as 157,400 hydrocodone tablets to Hurley Pharmacy, a "pill mill" in Williamson, according to the lawsuit complaint released Monday. The complaint characterizes the one-month shipment as "suspicious ... and a gross violation of the [company's] legal duty not to distribute controlled substances being used for non-legitimate purposes."

n Masters Pharmaceuticals supplied 1.5 million hydrocodone pills and 859,000 oxycodone pills to pharmacies in West Virginia.

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Between December 2011 and May 2012, Masters distributed 11,400 oxycodone, hydrocodone and morphine pills to a pharmacy in the Boone County town of Van, which has 211 people. That amounts to 63 pills for each Van resident per day.

The lawsuit also spotlights Masters' shipments to pharmacies in rural areas of Raleigh, McDowell, Logan, Putnam and Marshall counties.

"The foregoing distributions were supplied to entities with a population base which could in no legitimate way consume the volume of drugs being distributed," the complaint alleges.

n Top Rx shipped 1.7 million hydrocodone tablets to West Virginia. The lawsuit doesn't list the company's oxycodone numbers.

The bulk of Top Rx's painkiller shipments went to Wayne and McDowell counties, places designated by state and federal authorities as "high-intensity drug-trafficking areas," according to the lawsuit.

The state's complaint – initially filed by former Attorney General Darrell McGraw in 2012 and inherited by his successor Patrick Morrisey the following year – alleges the drug companies turned a blind eye to the suspicious prescription drug orders by West Virginia pharmacies and profited from the state's pain-pill epidemic.

West Virginia has the highest drug overdose death rate in the nation, and the deaths are climbing. Oxycodone and hydrocodone are the most widely abused prescription painkillers, and contribute to more overdose deaths in the state than any other drug.

West Virginia spends more than \$430 million a year on problems caused by prescription drug abuse, according to the state's lawsuit.

In previous filings, the drug wholesalers have said raw pill counts can be misleading. The companies argue that their total distribution numbers, and the percentage of sales of controlled substances compared to all drugs, would put the shipping records in better context.

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