

[https://www.wvgazettemail.com/news/cops\\_and\\_courts/unsealed-court-filing-details-drug-firm-s-pain-pill-shipments-to-wv/article\\_0e425a8e-a240-504f-a668-7c642bb7bccc.html](https://www.wvgazettemail.com/news/cops_and_courts/unsealed-court-filing-details-drug-firm-s-pain-pill-shipments-to-wv/article_0e425a8e-a240-504f-a668-7c642bb7bccc.html)

## Unsealed court filing details drug firm's pain-pill shipments to WV

Eric Eyre

Nov 7, 2016



Henry Jernigan, a lawyer representing Cardinal Health, argues before Boone Circuit Judge William Thompson last week that records showing how many pain-relief pills the giant drug company shipped to specific pharmacies in West Virginia should remain secret.

CHRIS DORST | Gazette-Mail file photo

Drug giant Cardinal Health saturated four of West Virginia's poorest counties with prescription opioids, shipping large numbers of pain pills to small-town pharmacies, according to allegations in a [court filing unsealed](#) late last week.

The drug wholesaler had fought to keep the court records shielded from the public.

The revised complaint – filed by Attorney General Patrick Morrisey's office under seal in August 2015 – includes details about Cardinal Health's alleged "suspicious" pain-pill shipments between 2007 and 2012.

An example: In Williamson, a Mingo County town with a population of 3,100 people, Cardinal Health shipped 2.1 million tablets of the painkiller hydrocodone to a single pharmacy over five years, according to sales data Cardinal Health disclosed to the state. The same pharmacy filled prescriptions for a pain clinic that abruptly closed amid a federal investigation in 2010.

Boone Circuit Judge William Thompson unsealed the court filing Friday afternoon over objections from Cardinal Health, the nation's second-largest prescription drug distributor. The Gazette-Mail went to court a month ago, asking the judge to open the file. Morrisey aides told the judge last week they did not oppose the newspaper's motion to unseal the complaint.

West Virginia has the highest drug overdose rate in the nation. The state spends an estimated \$700 million a year on problems related to prescription drugs, according to the complaint.

The state's lawsuit alleges the counties most affected by the state's prescription drug epidemic – Logan, Boone, Mingo and McDowell – received a "huge amount of controlled substances" from Cardinal Health "beyond what the local population legitimately could be expected to need."

Between 2007 and 2012 in Logan County, Cardinal Health distributed 8.8 million hydrocodone pills (sold under brand names like Lortab and Vicodin) and 1.8 million oxycodone pills (OxyContin), according to U.S. Drug Enforcement Agency data cited by the state. That's 241 hydrocodone tablets and 50 oxycodone pills for each Logan County resident.

McDowell County pharmacies received 3 million hydrocodone pills and 1.5 million oxycodone pills from Cardinal Health during those same years, while the drug wholesaler shipped 2.4 million hydrocodone tablets and 117,400 oxycodone pills to Mingo County, according to the state's complaint.

Boone County got 1 million hydrocodone pills and 431,000 oxycodone pills from Cardinal Health.

In Van, a Boone County town with 241 people, the drug wholesaler shipped 207,000 hydrocodone pills to a local pharmacy over two years, according to the state's complaint.

The complaint also cites "suspicious" shipments to Trivillian's Pharmacy in Charleston.

Between 2009 and 2013, Cardinal Health supplied the small pharmacy with more than 750,000 hydrocodone pills and 700,000 oxycodone pills, according to Cardinal records cited in the state's complaint.

During those years, Trivillian's filled prescriptions for Hope Clinic in Kanawha City. The pain clinic closed in 2015, following a state inspection.

Trivillian's former owner, Paula Butterfield, pleaded guilty to federal charges in February 2015. Butterfield was sentenced to a year and a day to federal prison.

Cardinal Health also shipped oxycodone pills to Best Care Pharmacy in Bridgeport between 2011 and 2013. Best Care's former owner, Mario Blount, was later convicted of illegally dispensing oxycodone and other painkillers. Blount, who also was Bridgeport's mayor, was sentenced to five years in federal prison.

Statewide, Cardinal Health shipped about 241 million prescription opioids to West Virginia pharmacies between 2007 and 2012, according to DEA data cited in the state's lawsuit and previously reported in the Gazette-Mail.

The company said shipments of hydrocodone and oxycodone make up about 14 percent of all doses of medication that Cardinal Health distributed in West Virginia over those same years. The company ships more prescription drugs to the state than any other wholesaler.

"Cardinal Health fulfills orders only from entities licensed by the DEA and the state for prescriptions written by licensed medical professionals," said Brett Ludwig, a Cardinal Health spokesman.

At a hearing in Boone County last week, a Cardinal Health lawyer argued against unsealing the state's complaint, saying it would put the company at a "competitive disadvantage."

"Under the federal government rules that we operate, we are not entitled to disclose, for competitive reasons and for drug reasons, to whom we sell and what amounts we sell," said Henry Jernigan, who represents Cardinal Health. "We're selling a regulated medication."

In 2008, Cardinal Health paid \$34 million to the DEA in response to allegations that the company failed to notify federal authorities about suspicious prescription drug orders. In 2012, Cardinal agreed to a two-year suspension of its license to ship controlled substances from a warehouse in Lakeland, Florida, amid allegations the company had improperly distributed pain pills.

That same year, former West Virginia Attorney General Darrell McGraw filed suit against Cardinal Health, alleging the company helped to fuel the state's prescription drug problem by shipping massive quantities of pain pills to rogue pharmacies.

Morrissey, who lobbied for two drug trade groups that represented Cardinal Health before he ousted McGraw, inherited the lawsuit when he took office in 2013. According to a state Lawyer Disciplinary Board report, he did not "permanently screen" himself from the Cardinal Health case until July that year, after the Gazette-Mail reported on his ties to the drug wholesaler. His wife, Denise Henry, lobbied for Cardinal Health in Washington, D.C. for 17 years – three and a half of those years while Morrissey was serving as attorney general.

Cardinal Health severed ties with Morrissey's wife and her lobbying firm on May 31. The company has declined to say why it terminated the contract.

"She did not represent Cardinal Health on prescription drug abuse legislation at the federal or state level," said Ellen Barry, a spokeswoman for the drug wholesaler. "She never represented Cardinal Health on state legislative or regulatory matters, nor did she represent Cardinal Health with state government officials."

Reach Eric Eyre at [ericeyre@wvgazettemail.com](mailto:ericeyre@wvgazettemail.com), 304-348-4869 or follow @ericeyre on Twitter.