

FIGHTING AGAINST OPIOIDS

On Feb. 7, Athens-Clarke County filed a lawsuit against numerous opioid manufacturers and distributors in an effort to alleviate the effects of the opioid epidemic.



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News staffer

According to the Georgia Department of Public Health, from 2001 to 2015, Georgia's death rate due to opioid overdose increased by nearly 400 percent. In 2015, the Center for Disease Control and Prevention (CDC) reported 549 Georgia deaths from prescription opioid overdoses alone. Nationally, the opioid epidemic, the deadliest drug epidemic in American history, claimed the lives of 64,000 people in 2016.

According to the Georgia Prevention Project, a statewide program aimed at reducing the use of

The increase in opioid addiction and opioid-related deaths over the past few decades has been costly for governments.

"As more people are becoming addicted to these drugs, that is increasing the costs of emergency room visits, opioid related deaths, addiction treatment services and there is also a spill-over effect into the correction system that is adding to the cost of localities in addressing these issues," professor of law at the University of Georgia Elizabeth Weeks Leonard, who has an expertise in health law.

According to the New York Times, over 400 local governments across the United States, including

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dangerous drugs among young adults, opioids are a class of drugs -- often used as painkillers -- that act on the body's nervous system. When abused, these seemingly harmless painkillers can turn into a dangerous addiction.

"When an individual takes an opioid, they have a spike in their dopamine that gives them a pleasurable effect," former addiction nurse and addiction counselor Patricia Marshall said. "It progresses to where the individual has to have an opioid just to feel normal. That's when people get into trouble because they'll do whatever they have to do to get that drug."

Athens-Clarke County, have filed lawsuits against many opioid manufacturers and distributors, including Purdue Pharma and Cephalon, asserting that they have exacerbated the human and financial costs of the opioid epidemic.

"We believe the drug companies, distributors, and even some of the providers, have worsened the problem if not actually created the problem with drugs that were sold to doctors as being safe and non-addictive, when in fact, that wasn't the case," city attorney for ACC Bill Berryman said.

The ACC lawsuit, filed on Feb. 7, alleges many opioid manufacturers and distributors contributed

OPIOID USE IN THE UNITED STATES



115

One hundred and fifteen people die each day from opioid overdoses.

90

Ninety percent of people in the US with a substance abuse issue do not receive specialized treatment

63

Sixty three percent of drug overdose deaths in 2015 were caused by an opioid.

4

The rate of prescription opioid sales were four times higher in 2014 than in 1990.

Infographic by Ebera Giderson-Hall

to the opioid epidemic by downplaying the risks of addiction and did not comply with federal laws requiring the reporting of excessive opioid sales in certain areas.

“The manufacturers aggressively pushed highly addictive, dangerous opioids, falsely representing to doctors that patients would only rarely succumb to drug addiction,” the official complaint said. “These pharmaceutical companies aggressively advertised to and persuaded doctors to prescribe highly addictive, dangerous opioids and turned patients into drug addicts for their own corporate profit.”

Purdue Pharma, one of the main opioid manufacturers targeted by the litigation, denies all of these allegations.

“We are deeply troubled by the prescription and illicit opioid abuse crisis, and we are dedicated to being part of the solution. As a company grounded in science, we must balance patient access to (Federal Drug Administration)-approved medicines, while working collaboratively to solve this public health challenge,” Head of Public Affairs at Purdue Pharma John Puskar said. “We vigorously deny these allegations and look forward to the opportunity to present our defense.”

According to program manager at the Athens Alliance Recovery Center, a medical center for those affected by opioid addiction, Julia Dale, misleading marketing by drug manufacturers has led to over-prescription and addiction.

“When a client goes to a doctor and gets a prescription, they feel like it’s safe. They think that, as long as it’s prescribed, that they’re OK, when in fact, they can establish dependency to that medication,” Dale said. “People trust doctors, and if doctors are trusting pharmaceutical companies that were misleading them, you can see how that trickled down.”

However, since her career as an addiction nurse, Marshall has seen a decrease in opioid prescriptions because of doctors’ hesitance to prescribe addictive drugs with so much national attention.

“People begin their journey on opioids with a prescription but it’s becoming more difficult to get refills. You can’t go to a pain clinic now and get opioids like you used to -- they’ll check you up and down for drug addiction,” Marshall said. “Things are changing and where we need to focus now is better treatment.”

According to Clarke County School District Director of Nursing Amy Roark, the opioid epidemic has not only had effects on the community, but also within the CCSD.

“Misuse and abuse of prescription medicine continues to be the third most prevalent drug abuse behavior measured among teens, following use of marijuana and alcohol,” Roark said. “The opioid epidemic is hitting school districts across the nation and many schools have chosen to stock Narcan in their buildings. Narcan is a drug that can save lives by reversing an opioid overdose and the use of Narcan in our schools is currently under discussion by (the) CCSD.”

Cited from the Center for Disease Control and Prevention (CDC) and The Surgeon General's report (surgeon general.gov)

ACC is represented in the lawsuit by Athens law firm Blasingame, Burch, Garrard and Ashley (BBGA). The firm has developed a specialty in national mass tort litigation and is representing nearly 20 other Georgia counties in similar cases.

"We got involved (in the lawsuit) for two reasons. One, we think we're on the right side. And two, this is what we do. We do mass torts and multidistrict litigation stuff," one of the lead counsels on the case Jim Matthews of BBGA said. "We're the only firm in Georgia that represents plaintiffs like this nationally on a regular basis."

The ACC case has been added to national multidistrict litigation (MDL) with other counties that have filed similar suits. According to Matthews, MDL is a way of making the legal process more efficient by having all plaintiffs heard by a single judge and can be beneficial for plaintiffs such as ACC.

"We're going up against multi-billion dollar companies that have pretty much unlimited resources to pay their legal expenses," Matthews said. "We don't, but when you band together with hundreds of other cases and the lawyers all pool their money and pool their talent, then you have the resources to deal with the heavyweights."

Matthews believes the biggest challenge for BBGA in the case is proving the injuries done to ACC.

"It's not going to be hard to prove that the manufacturers committed fraud and withheld infor-

mation and purposefully set out to addict people. We can prove that," Matthews said. "It's not going to be hard to prove the distributors violated the law so they could sell a bunch of pills. What's going to be harder is proving exactly, in a monetary way, how this has affected the county."

According to the official complaint, during the calendar years 2006 through 2016, ACC expe-

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Athens Clarke County city attorney

rienced an average annual rate of 116.8 opioid prescriptions per 100 persons. Berryman hopes the lawsuit can begin to reduce the abuse of opioids in Athens and beyond.

"The ultimate goals (of the lawsuit) are to lessen the flow of opiates and opioids, particularly prescription opioids into the market that are abused," Berryman said. "We want to try to use the lawsuit to influence the manufacturers and distributors to get a better control over how these drugs come into the population. And then we hope to get damages to help remedy the situation."

According to the complaint, there are a variety of damages desired by the plaintiff including "costs for providing medical care; costs for providing treatment, counseling and rehabilitation services; costs for providing treatment of infants born with opioid-related medical conditions; costs for providing care for children whose parents suffer from opioid-related disability or incapacitation; and costs associated with law enforcement and public safety relating to the opioid epidemic."

On Feb. 10, just three days after ACC filed the lawsuit, Purdue Pharma cut its sales staff by half and announced it would stop directly marketing opioids to doctors.

"Sometimes these kinds of lawsuits have an expressive function where even by alleging the lawsuit, you bring it to the public's attention and sometimes the parties involved just respond to that," Weeks Leonard said.

The case will likely take over a year to settle in court, but the end goal is to hold opioid manufacturers and distributors accountable for allegedly unethical practices.

"If Purdue Pharma and some of these other providers had not taken the false position that they took, meaning that some of these drugs were not addictive, we would not be here today," Berryman said. "We wouldn't have this problem. They need to share in helping solve this problem because, in a significant way, they were the cause of it."



Below: PRESCRIPTION PILLS: Clarke Central High School nurse Jessica Weems gives prescribed medication to a student in the nursing office. According to Clarke County School District Director of Nursing Amy Roark, abuse of prescription drugs is an issue for youth in the district. "Most teens get their hands on prescription drugs from the homes of friends and relatives," Roark said. "Misuse and abuse of prescription medicine continues to be the third most prevalent drug abuse behavior measured among teens (in the United States), following use of marijuana and alcohol."

Photo by Zoe Peterson

