The following is a compendium of news reports over the past month that may be of interest to our AG offices who are dealing with substance abuse issues. Neither the National Association of Attorneys General nor the National Attorneys General Training & Research Institute expresses a view as to the accuracy of news accounts, nor as to the position expounded by the authors of the hyperlinked articles.

MAY 2014

New Developments in Combatting Prescription Drug Abuse

New York Attorney General Eric T. Schneiderman announced the start of the statewide Community Overdose Prevention (COP) program, which will equip every New York law enforcement officer with heroin antidote naloxone and train them on its use.

The third annual National RX Drug Abuse Summit was held in Atlanta on April 21-24, 2014. This event brought together over 1,000 stakeholders to address how to best combat prescription drug abuse. The attorney general community was well represented at the meeting, as Attorneys General Jack Conway (KY), Sam Olens (GA) and Greg Zoeller (IN) participated in a panel discussion regarding the steps their offices have taken to address the problem in their jurisdictions and shared best practices with their audience. Kentucky Attorney General Jack Conway also led a session in which he outlined how to effectively take action against unlawful prescription drug monitoring practices. Information relating to the Summit can be found at this link. I attended the Summit and found it to be an invaluable experience. If you are interested in learning more about the presentations that I attended at the Summit, please feel free to email me.

Georgia Attorney General Sam Olens authored an article which referenced the importance of the Summit and also described the many actions that he has taken to address prescription drug abuse in his state.

Blue Cross of Massachusetts has reduced the number of prescriptions for opioid painkillers within the state by approximately 6.6 million pills over the past 18 months. The insurer now limits the quantity of painkillers that the members can obtain without prior approval from Blue Cross.

This article details the pervasiveness of prescription drug abuse in the medical community and serves as a reminder that prescription drug abuse can affect people of all professions and socioeconomic classes.

The Prescription Drug Monitoring Program of Excellence at Brandeis University issued a report that recommends that insurers utilize PDMP data to reduce the healthcare costs associated with opioid abuse and overdoses.
Backlash Against FDA’s Approval of Zohydro

In March 2014, Indiana Attorney General Greg Zoeller, together with attorneys general from five other states (Florida, Georgia, Kentucky, Indiana and Maine), wrote to the Secretary of the U.S. Department of Health and Human Services, calling for the recent approval of Zohydro to be overturned. In late April, the attorneys general received a letter in response, signed by Dr. Margaret A. Hamburg, Commissioner of Food and Drugs. Here is a copy of Dr. Hamburg’s letter.

A report recently released by Alan White, a Boston economist, concluded that the abuse-deterrent formulation of OxyContin saved the United States $430 million in healthcare costs related to addiction. To reach this conclusion, the economist analyzed data from private, Medicare and Medicaid health insurance claims to estimate the rate of abuse before and after the reformulation of the drug. This article outlines the study’s results and explains how the results can be used to argue against the prescribing of Zohydro.

Vermont’s Governor Peter Shumlin issued emergency rules that make it harder for doctors to prescribe powerful painkillers. The rules require that any doctor who prescribes Zohydro must conduct a thorough medical evaluation and risk assessment.

In early April, Massachusetts declared an emergency ban on Zohydro, but a federal judge struck down the ban, ruling that the state did not have the authority to overrule the FDA’s decision to approve the drug. Soon after, Massachusetts Governor Deval Fitzpatrick announced that the Massachusetts Board of Registration in Medicine voted to require doctors to complete a risk assessment and pain management treatment agreement before prescribing extended release long acting opioids that are not in abuse-deterrent form, such as Zohydro. The Massachusetts Public Health Commissioner also issued an emergency order mandating use of the state’s Prescription Drug Monitoring Program. Zogenix, the manufacturer of Zohydro, issued a press release in response to Massachusetts Governor Fitzpatrick’s attempt to discourage use of the drug in his state. The corporation “urg[ed] the Governor to respect the carefully designed approach imposed by the FDA and to address the problem of opioid abuse on a class-wide basis.”

Many doctors and pharmacists in New Hampshire have decided against prescribing and stocking Zohydro, as they are concerned with the potential for abuse.

Prevention and Awareness
DEA held its eighth Prescription Drug Take Back Day on April 26. Many other states held their own take back programs this month as well. For example, North Dakota Attorney General Wayne Stenehjem hosted one of his state’s take back events. In total, the state has destroyed 3.3 tons of OxyContin and other drugs over the five years of the program’s existence. Wisconsin Attorney General J.B. Van Hollen supported the DEA’s Take Back efforts in Milwaukee County, which has received more than 21 tons of expired, unused and unwanted pills over the past eight years.

States Are Taking Steps to Prevent and Treat Neonatal Abstinence Syndrome

Almost 25 percent of pregnant women enrolled in Medicaid in 2007 filled a prescription for opioids, according to a recent study. The number of prescriptions varied widely by state.

This month, a number of states have taken steps to address the prevalence of neonatal abstinence syndrome (NAS). For example, newly passed legislation in Tennessee means that Tennessee women who use illicit drugs while pregnant can now be criminally charged. The women can avoid criminal charges if they enter a state treatment program. Opponents to the bill argued that it would discourage pregnant women who are struggling with substance abuse from seeking addiction treatment. The bill has a 2016 sunset provision.

Stakeholders in Ohio, including hospitals and Children’s Protective Services, are exploring ways to reduce NAS through education, screening and communication with private pediatricians.

April 23, 2014, was National Drug Endangered Children Awareness Day. In honor of the day, Attorney General Pam Bondi, together with Florida Surgeon General Dr. John H. Armstrong, urged Floridians to take action to identify and protect drug endangered children.

Synthetic Drug News

Iowa Attorney Tom Miller has filed a consumer fraud lawsuit against the owner of a convenience store that allegedly sold synthetic drugs.

Ohio Attorney General Mike DeWine and State Pharmacy Board Director Kyle Parker announced that Ohio has banned two new synthetic drugs. General DeWine has asked for authority to ban compounds that threaten the state’s safety without the need for legislation.

Nebraska is expanding its ban of synthetic cannabinoids. Opponents to the bill believe that it doesn’t go far enough in that it bans drugs that already exist in the state but does not ban drugs that are in neighboring states.

In Lubbock, Texas, at least five emergency room patients each day have overdosed from the use of synthetic drugs.
Synthetic cannabis was the most commonly used drug by veterans, according to a recent study. Veterans have chosen the drugs to combat post-traumatic stress disorder partially because it is harder to detect the drugs during standard urine analysis screening. The military plans to update their standard urinalysis test.

The Florida House of Representatives has passed House Bill 697, which schedules six additional synthetic substances. There is a companion bill pending in the Senate as well. Florida Attorney General Pam Bondi praised the legislature for its efforts.

Notable State Litigation

Ohio Attorney General Mike DeWine announced that 12 people have been indicted in connection with a pill-mill trafficking ring that moved drugs from Florida to Ohio.

Two Key Largo, Florida, doctors who were convicted of money laundering in connection with an illegal pill mill have filed appeals. Their conviction follows an investigation into a number of pain clinics that were tied to the deaths of at least nine people.

Two owners of Ohio businesses that were declared nuisances for selling synthetic marijuana appealed in the Seventh District Court of Appeals in mid-April to argue that the nuisance was not ongoing and that ordered shutdown of their businesses for one year was excessive and not permissible under the law. The owners also disputed the sufficiency of the investigation. A ruling may be made sometime within the next month.

Updates in the Field of Marijuana Legalization

Lansing, Michigan legislators are considering a bill that would allow police to use roadside saliva testing if they suspect that a driver is under the influence of marijuana.

Vending machines are now being installed in a Colorado medical-marijuana dispensary. The state of Washington is considering whether to allow such machines in recreational marijuana stores.

Two recent deaths in Colorado have been linked to the ingestion of marijuana edibles. Twenty-six people have reported poisoning from edibles over the past year, including six children.

Federal and State Actions Taken to Combat Heroin Abuse

Pennsylvania Attorney General Kathleen G. Kane released her office’s “Year in Review” report for 2013. Among other accomplishments, the report details the steps taken by the Attorney General to
combat drug abuse, including the successful heroin investigation in Hazelton, Pennsylvania, that resulted in the arrest of more than 100 people and the seizure of more than 35,000 bags of heroin.

This article details the effect that the lack of treatment facilities has had on those struggling with heroin addiction in the Southern tier of New York, particularly for those who seek medication-assisted treatment.

Last month, United States Attorney General Eric Holder stated that the Justice Department is committed to the “rigorous enforcement” of drug laws and “robust treatment” of drug addicts, as he spoke about the huge rise in heroin use.

The Illinois House of Representatives approved a measure that will allow a Pilot Program to be established to provide treatment to individuals convicted of drug or property crimes. These individuals will serve their time at a secure facility that has on-site substance abuse treatment.

Other News of Interest

Kentucky Attorney General Jack Conway announced that his office’s Traffic Safety Resource Prosecutor Program will help to train police and prosecutors about the effective prosecution of DUI cases involving drugs.

While the Affordable Care Act now mandates that insurers provide substance abuse treatment, a federal Medicaid law limits the number of available beds in treatment centers. According to recent estimates issued by the Substance Abuse and Mental Health Services Administration (SAMHSA), while 23 million Americans require treatment, only 11% received treatment in 2012.

The FDA is considering whether to approve Moxduo, a new prescription painkiller. Moxduo is made up of a combination of morphine and oxycodone and is designed to provide fast relief to patients suffering severe pain. Proponents of the pill argue that a lower dosage is needed than if either morphine or oxycodone were taken alone and that the risk of respiratory complications is lower than that of other opioids. Addiction advocates worry that approval of the pill will exacerbate the health crisis. The FDA’s Anesthetic and Analgesic Drug Products Advisory Committee voted against approval, 14-0.

The United States Sentencing Commission recently recommended shorter prison sentences for most federal drug trafficking offenders. If these recommendations are approved by Congress, they will affect the sentencing of up to 70 percent of federal drug offenders.