

# Pharmaceutical distributors flooded Missouri with opioids

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The opioid overdose crisis claimed the lives of more than 3,400 Missouri residents between 2012 and 2016. According to a recently released US Senate report, three separate pharmaceutical distributors flooded the state with opioids during this period and failed to report suspicious orders to the Drug Enforcement Agency (DEA).

The Senate Committee on Homeland Security and Governmental Affairs' Minority Report, released by Democratic Senator Claire McCaskill of Missouri, states that pharmaceutical companies McKesson, Amerisource Bergen and Cardinal Health together shipped 1.6 billion doses of opioids into Missouri between 2012 and 2017 at the height of the crisis.

During that time, thousands Missouri residents succumbed to opioid overdose, with many others suffering the long-term consequences of addiction.

Missouri's opioid crisis is part of a larger national crisis. According to an earlier Senate report, "[F]atal overdoses from fentanyl and other synthetic opioids more than doubled in the United States between 2015 and 2016." This spike in opioid deaths contributed, along with other social and economic factors, to the first two-year drop in life expectancy in the US since the 1960s.

At the same time, the three companies involved in the distribution of opioids in Missouri and across the country reaped extraordinary profits. According to the report, "[E]ach recorded 2017 revenue in excess of \$125 billion and ranked within the top 15 companies on the 2017 Fortune 500 list."

The Controlled Substances Act (CSA) requires that pharmaceutical companies report to the Drug Enforcement Agency (DEA) any suspiciously high rates of orders from physicians and pharmacies, as this can signal that a physician is enabling addicts or that

pharmacies are diverting pills to street dealers. As the report clarifies, the companies supplying most of Missouri's opioid tablets also reported the fewest suspicious orders.

Despite the existence of "significant resources" for reporting suspicious orders, the report found that the three most significant distributors—McKesson, AmerisourceBergen, and Cardinal Health—"varied widely" in their reporting of suspicious orders between 2012 and 2017. According to the report, both McKesson and AmerisourceBergen "shipped around 650,000,000 dosage units to Missouri in this five-year period."

While McKesson reported 16,714 suspicious orders to DEA, AmerisourceBergen reported only 224. Cardinal Health's shipped fewer than half the opioid dosages as AmerisourceBergen, but it reported 5,125 suspicious orders—about 23 times the reports made by AmerisourceBergen.

While the Senate report states, "These divergent reporting results alone do not in any way indicate violations of the CSA by the companies involved," the evidence in the report points to social predation by these companies, who have aided and abetted a scourge that has claimed hundreds of thousands of lives throughout the US.

The findings in the report only account for those companies who complied with Senator McCaskill's requests for information. Allergan did not comply with the committee's requests for information for months. The pharmaceutical company Teva refused to respond "to the specific July 2017 requests" by the committee.

Teva had previously submitted incomplete answers to the Senate committee's questions, yet it stated that it had already complied fully. Any further demands for information, Teva asserted, would "chill the

willingness” of its suspicious customers to comply with the Committee’s investigation and make them unwilling to “participate in our collective efforts to address opioid abuse.”

Teva’s response highlights several troubling aspects of the opioid epidemic. That these companies are effectively policing themselves is, in and of itself, alarming. As the Senate Minority Report on opioid abuse points out, these are the same companies that have spent hundreds of millions of dollars on donations to physicians groups and chronic-pain research groups, part of an aggressive public relations campaign that has served to downplay the risks associated with opioid use and to sell a dangerous product to healthcare providers.

Senator McCaskill has presented a bill that would repeal the changes to the CSA instituted by the Ensuring Patient Access and Effective Drug Enforcement Act of 2016—which passed the Senate by unanimous consent—which require the DEA to notify pharmaceutical companies “of the opportunity to submit a corrective action plan on or before the date of appearance” before an Immediate Suspension Order (ISO) is issued, and also requires the agency demonstrate “a substantial likelihood of an immediate threat that death, serious bodily harm, or abuse of a controlled substance will occur in the absence of an immediate suspension of the registration.”

However, McCaskill’s report itself underscores the incestuous relationship between the DEA and the pharmaceutical companies. While the 2016 rule changes represented a new summit of impunity for drug manufacturers and distributors, there was little oversight even before it passed.

The number of ISOs declined sharply between 2012 and 2017. During that time, they were issued primarily to pharmacies and physicians, not to pharmaceutical companies themselves; not a single ISO was issued to distributors or manufacturers between 2012 and 2016. Only one was issued to a distributor in 2017. The report quotes a DEA agent from the Denver field division: “Why would you go after a Fortune 50 company that’s going to cause all these problems with Ivy League attorneys, when we can go after other [DEA registrants] that are much lower, that are going to put up no fight?”

In the absence of ISOs, the DEA has issued fines to pharmaceutical companies for supplying excessive opioid doses to pharmacies and physicians. These fines,

however, are pittance in light of the companies’ revenues. A \$150 million fine for McKesson in 2017 amounted to less than .08 percent of the company’s revenues that year. Cardinal’s \$44 million fine in 2016 came to about .03 percent of its 2016 profits.

The Senate Minority Report aims to outline the corrosive role that opioid manufacturers have played in a society increasingly subject to addiction, overdose, and death. Yet the report succeeds better at demonstrating the government’s subordination to the whims of profit, as well as its openly complicit relationship with pharmaceutical companies. Giving the DEA more latitude in bringing these companies to heel is a laughable pipe dream. Moreover, any report on the opioid epidemic that fails to consider the severe economic and social pressures borne by America’s workers is dangerously, criminally incomplete.

As Americans continue to suffer the effects of prolonged economic decline—from poverty to addiction to soaring healthcare costs—pharmaceutical companies, with the help of the agencies tasked with overseeing them, have enjoyed record profits. The government—including Senator McCaskill—has neither the will nor the ability to address this imbalance, other than widening it. The DEA will continue to criminalize opioid usage by citizens, yet the companies pushing these substances upon the public will continue to evade justice. The opioid crisis and the coinciding surge in revenues by drug manufacturers are simply one example of the advanced rot of American capitalism, and it can only be redressed by the working class.



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