

Alabama mother charged with felony fraud for seeking painkillers while pregnant

Cordell Gascoigne**29 June 2021**

A Florence, Alabama mother is facing felony charges after having a prescription for painkillers refilled while pregnant. Kim Blalock, a 36-year-old stay-at-home mother of six, suffers from myriad medical issues: degenerative disc disease, arthritis, post-surgical complications and a car accident which occurred a year prior to her pregnancy.

Blalock was able to mitigate the pain while under the care of a local orthopedist, who subsequently prescribed her the pain-relieving medication hydrocodone—a common medication prescribed for those experiencing chronic pain. According to AddictionCenter.com, doctors wrote 120 million hydrocodone prescriptions in 2014.

“There are days that I can’t get up,” said Blalock. “There are days where I’m [okay], and there are days that are just horrible. It is debilitating. I have a lot of pain and limited mobility, and I’ve got two little kids (and older ones) who need me all day.”

Four years after she started taking hydrocodone, Blalock became pregnant with her youngest son and stopped her medication in early 2020. “It was a very rough, painful, long pregnancy,” Blalock said.

Over a period of 20 years, from 1999 to 2019, nearly 247,000 people in the United States died from overdoses involving prescription opioids, according to the Centers for Disease Control and Prevention. Overdose deaths involving prescription opioids have nearly quintupled over the 20-year period.

In the final six weeks before her due date, and unable to bear the pain from so many injuries, Blalock had her prescription refilled. Upon Blalock’s delivery, she informed her obstetrician about the prescription of hydrocodone, according to a letter from her lawyers to Lauderdale County authorities. Her newborn, located at North Alabama Medical Center, was tested for

opiates—the test results yielded positive.

A brief investigation was initiated by the Department of Human Resources, which closed the case after Blalock presented the department with the prescription bottle, agreeing to allow a case worker to count the pills. However, this failed to satisfy the Florence Police Department and Lauderdale County district attorney’s office, which carried out an investigation, leading the prosecutor to charge Blalock with prescription fraud for failing to inform her orthopedist she was pregnant.

Newborns exposed to opioids during pregnancy may experience withdrawal symptoms after birth, which can be treated with medication in neonatal intensive care units. While not life-threatening, the condition can cause irritability, poor feeding, and tremors. Due to an increase in hydrocodone prescriptions, the number of babies treated for Neonatal Abstinence Syndrome has soared in Alabama and across the country. Blalock’s newborn son exhibited no signs of drug withdrawal after birth and was discharged after four days of treatment for jaundice—a common condition which usually subsides after treatment with ultraviolet lights.

In the state of Alabama, when newborns test positive for drugs, legal or illicit, authorities prosecute the mother for chemical endangerment, which can be a Class C felony if the child is not injured, a Class B felony if the child suffers injury, and a Class A felony if the child dies. A clause in the statement specifically exempts women from prosecution if they are taking drugs based on a lawful prescription from a doctor.

The Alabama Supreme Court has upheld felony chemical endangerment convictions against two mothers who used drugs during pregnancy.

Alabama authorities prosecuted hundreds of working class women for drug use during pregnancy in the last decade. Blalock appears to be the first case where

charges of fraud are involved, due to Blalock's alleged failure to tell her orthopedist of her pregnancy. Prescription fraud cases generally involve the forging of prescriptions, consulting myriad doctors to obtain prescriptions (known as "doctor shopping"), obtaining prescribed drugs illegally through the internet, acquisition of legally prescribed drugs through family members and friends or altering prescriptions to increase the quantity.

Emma Roth, an attorney for National Advocates for Pregnant Women representing Blalock, said Lauderdale County officials are using charges of prescription fraud as a means to circumvent the exemption clause in the chemical endangerment law. "It seems to us that this is a way that the state and the prosecution want to circumvent the acts of the legislature," said Roth. "Legislators excluded women with lawful prescriptions from the chemical endangerment law. This is a way for the prosecution to work around that."

Attorneys at National Advocates for Pregnant Women, who regularly handle criminal cases nationally involving pregnant women, said that if Blalock is convicted, it would provide a pretext to arrest any pregnant woman in Alabama if she fails to inform her doctor she is pregnant prior to a prescription being refilled or receiving a prescription, regardless of whether or not she is asked.

Lauderdale County District Attorney Chris Connolly said his office is not trying to get around the state's ban on bringing chemical endangerment charges against women with lawful prescriptions.

A member of the Democratic Party until 2015, he has petitioned a juvenile court judge to terminate the parental rights of a female prisoner, listed in court filings as "Jane Doe," who wanted to have an abortion. Connolly claims that if the judge grants the petition, the woman would not have the right to ask for an abortion.

Blalock's case meets the criteria of his previous prosecutions for prescription fraud concerning "doctor shopping," Connolly said. "It is alleged that the defendant obtained hydrocodone from a medical doctor while she was pregnant without disclosing to the doctor that she was pregnant," he claimed. "Had the defendant disclosed her pregnancy, she would have been weaned off of the hydrocodone by the medical doctor."

Blalock says her orthopedist and nurses throughout the years never asked about pregnancy. Moreover,

Blalock did not have an appointment in the office due to the coronavirus pandemic, but obtained the legally prescribed medication through the window of her car.

Connolly said Blalock had a responsibility to inform her doctors of her pregnancy, notwithstanding Blalock informing her obstetrician.

Less than two months after the birth, police officers swarmed Blalock's house while she and her husband were out of town. Her two teenaged children were at the home and said at least seven armed officers entered the Blalock residence asking questions pertaining to her whereabouts. "The incident with the police left Ms. Blalock and her sons feeling terrified, confused, and unsafe," Roth said. The two teenagers went to live with their grandparents after the encounter.

"If I had known what I know now, I would rather lay in bed my entire pregnancy in pain than take a pill," said Blalock. "I thought it was ok[ay]. I didn't think it was a big deal. My son is perfectly fine. I thought if a doctor wrote you a prescription, you can take it. If not, there needs to be posters everywhere in the doctor's office that says, if you're pregnant, and the doctor prescribes you something, you still may not be able to take it."



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