

Q&A: Deadly opioid crisis sparks lawsuits across the US

25 August 2019, by Geoff Mulvihill



This June 17, 2019, file photo shows 5-mg pills of Oxycodone. The first judgment is expected Monday, Aug. 26, in a lawsuit from a state government seeking to hold a drug company accountable for a U.S. opioid crisis that has ripped apart lives and communities. More trials and legal settlements are likely to follow the ruling in Oklahoma as the nation looks for answers and solutions to a massive societal and legal problem. (AP Photo/Keith Srakocic, File)

The first judgment is expected Monday in a lawsuit from a state government seeking to hold a drug company accountable for a U.S. opioid crisis that has ripped apart lives and communities. More trials and legal settlements are likely to follow the ruling in Oklahoma as the nation looks for answers and solutions to a massive societal and legal problem.

Following are questions and answers about the opioid crisis.

Q: What are opioids and how are they used?

A: They're an addictive family of drugs that block pain signals between the body and brain. They include [prescription painkillers](#) such as Vicodin and

OxyContin as well as [illegal drugs](#) such as heroin and illicit versions of fentanyl. Until recent decades, they were prescribed largely for pain for patients with cancer, at the end of their lives, or with acute pain, such as after surgery. Since the 1990s, there's been a push in the medical world, partly funded by [drug](#) companies, to do better at treating pain—and opioids came to be seen as part of the solution.

Q: Are opioids used to treat chronic pain?

A: Yes. That's one of the results of the push to do more to treat pain. But recent studies have questioned their effectiveness with chronic pain and the U.S. Centers for Disease Control and Prevention has told prescribers to be cautious about using the powerful drugs to treat patients with long-term pain. Experts say the longer patients are on the drugs and the higher the doses they receive, the more likely they are to develop addictions. Also, more people with prescriptions means more access to the drugs for recreational users and addicts.

Q: When did the opioid crisis begin?

A: By the early 2000s, the [death toll](#) from opioids was rising and there were growing numbers of thefts of drugs from pharmacies. In 2007, Purdue Pharma, the maker of OxyContin, paid a \$634 million fine and pleaded guilty to understanding the addiction risks of the drug. But the crisis only deepened after that. Prescriptions flowed freely at "pill mill" clinics, especially in Florida, where drug dealers would get drugs and spread them around the country.

Q: How many people have opioids killed?

A: The U.S. Centers for Disease Control and Prevention has tallied more than 400,000 opioid-related deaths across the country since 2000, including more than 47,000 in both 2017 and last year. In recent years, opioid overdoses have been

the nation's largest cause of accidental deaths, ahead of even automobile accidents. The death tolls per capita have been the highest in the same places as the highest prescription rates. The Appalachian region has been hardest hit.

Q: Have prescriptions stopped being given out so freely?

A: Yes. States have used databases to track prescriptions and prescribers, pill mills have been shut down and prescribers have become more conservative in calling for the drugs since around 2011. Government guidelines and some insurance company standards have also been tightened. But as prescription rates started falling, death rates actually rose, with more addicts using deadlier illicit versions of opioids. Preliminary data shows that the death toll declined very slightly in 2018 for the first time since the crisis began.

Q: What's the financial toll of the crisis?

A: The White House Council of Economic Advisers published a report in 2017 pegging the cost of the crisis at just over \$500 billion in 2015. That includes lost productivity as well as costs born by taxpayers, such as ambulance runs, jail treatment costs, and the costs of caring for children whose parents have died from opioid overdoses.

Q: Is that why so many governments are suing over opioids?

A: It's a big factor. Forty-eight states plus around 2,000 local and tribal governments have sued companies in the drug industry, arguing that those that make, distribute and sell the drugs are partly responsible for the crisis. They argue that drugs were improperly marketed and that companies failed to stop suspicious orders from shipping.

Q: What makes the cases legally complicated?

A: There are dozens of defendants and thousands of plaintiffs with different interests. State and local governments are battling over control of any settlement money before any national deals have been reached. And unlike with tobacco, which was the subject of a massive legal settlement in the late

1990s, opioids are allowed by the federal government and prescribed by doctors and other licensed medical professionals.

Q: What's happened in Oklahoma so far?

Oklahoma's public nuisance lawsuit against several drugmakers and their subsidiaries was the first in a wave of opioid litigation to make it to trial. Before the start of the six-week trial in May, Oklahoma reached a \$270 million deal with Purdue and an \$85 million settlement with Teva, both of which faced criticism from state lawmakers, who argued they have control over dispersing funds. The Purdue settlement calls for about \$200 million to go into a trust to fund an addiction studies center at Oklahoma State University in Tulsa.

The remaining defendant, Johnson & Johnson and some of its subsidiaries, proceeded to trial. A judge who oversaw the case is expected to deliver his judgment on Monday.

Q: What's next?

A: The first federal trial, involving claims from Ohio's Cuyahoga and Summit counties, is scheduled for Oct. 21. The Cleveland-based judge in that case, Dan Polster, intends to use that as a bellwether, providing decisions that could apply to other cases. Polster is overseeing most of the [opioid](#) cases and is pushing the parties to settle.

Other cases in state and federal courts could be tried as soon as next year.

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