

Senators press for solution to painkiller, antipsychotic abuses



The schizophrenia drug Risperdal has been illegally promoted by Johnson & Johnson, according to the Justice Department. JB REED/Bloomberg News.

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WASHINGTON - Fearing an "epidemic" of death and defects from the illegal use and improper prescribing of painkilling and antipsychotic drugs, senators Thursday pressed a panel of doctors and health-care officials about how to stop the problem.

"It is tragic, it is sad, it is needless, it is fraudulent, it is horrible," said Sen. Jay Rockefeller (D., W.Va), chairman of the Finance subcommittee on health. "And it is costing so much money that could be spent elsewhere."

The Centers for Disease Control and Prevention used the term epidemic in the fall in reporting that deaths from overdoses of painkillers had more than tripled in the last decade and surpassed heroin and cocaine deaths combined. State and federal authorities have tried to arrest those running so-called pill mills, at which painkillers are sold illegally.

Likewise, some of the highest-profile criminal and civil cases in the health-care fraud realm have involved pharmaceutical companies illegally promoting antipsychotic drugs.

The Justice Department will not comment, but it reportedly wants Johnson & Johnson to pay what would be a record \$1.8 billion to settle charges that the company illegally promoted its antipsychotic drug Risperdal.

J&J paid \$158 million to stop a trial and settle a case brought by the state of Texas, which learned of Medicaid fraud - including promotion of antipsychotics for unapproved use in children and payments to officials - from whistleblower Allen Jones, who had discovered similar problems while working for the state of Pennsylvania.

Texas and Pennsylvania (but not New Jersey) were among the states that responded to letters from Sen. Charles E. Grassley (R., Iowa) in 2010 and again in January, asking for information about the top 10

prescribers who worked through Medicaid, the health-insurance program for poor Americans administered by states and the federal government.

Grassley noted that one Nevada doctor wrote nearly 6,800 prescriptions over two years, costing Medicaid \$2.75 million.

"While some of these outliers are legitimate providers in high-volume practices such as in mental hospitals, many could not be explained," Grassley said.

Texas Medicaid chief Billy Millwee testified at Thursday's hearing that in response to the information generated by Grassley's request, four prescribers were excluded from the Medicaid program, 39 were under investigation, three were referred to the state attorney general, and two were referred to the licensing board.

The FDA has approved Risperdal for use in children aged 5 and older only for autism-related problems. But doctors can prescribe what they like, and there have been reports of toddlers and infants being prescribed antipsychotic drugs.

Millwee said Texas revamped its foster-care program to better monitor any prescriptions written for young children. A doctor cannot write a prescription for antipsychotics for a child age 3 or under without calling to discuss the situation with Medicaid authorities.

"That's a big difference in where we were 10 years ago," Millwee said after the hearing. Asked about the larger lesson of the Risperdal trial, he said: "It goes to looking at the information we're given about drugs. After digging into the case, you walk away really suspecting and saying, 'I'm going to ask more questions and be more skeptical.' It's very difficult for us when you have advocates that are being paid by the drug companies to speak out about something. That taints your belief in the system."

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