



Office of the WV Attorney General

Attorney General Morrissey Files Lawsuit Against Largest Prescription Drug Distributor in United States

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West Virginia Attorney General Patrick Morrissey today announced his filing of a lawsuit against McKesson Corporation, a prescription drug distributor, for allegedly failing to identify, detect, report and help stop the flood of suspicious drug orders into the state.

The lawsuit, filed today after an extensive investigation, states McKesson delivered approximately 99.5 million doses of hydrocodone and oxycodone to West Virginia between 2007 and 2012.

Many of those shipments allegedly fueled drug abuse across the state, an impact the lawsuit contends contributed to the nation's highest overdose rate, decreased worker productivity and exhausted resources statewide.

"This action represents yet another major step by my office to fight a terrible affliction on our citizenry," Attorney General Morrissey said. "We have carefully investigated this matter and believe that McKesson should be held responsible for its alleged failure to comply with the state's laws."

Hydrocodone and oxycodone orders were particularly astronomical in Logan County, where deliveries topped 10 million doses between 2007 and 2012 – far more than populous counties of Kanawha, Boone and Raleigh.

In fact, McKesson's shipment of 10.2 million doses provided enough to give more than 276 doses to every man, woman and child in Logan County, particularly concerning as the Centers for Disease Control and Prevention estimates just 6.9 percent of adults – children excluded – take a prescription opioid at any given time.

The lawsuit depicts similar activity in Mingo County, where McKesson shipped 3.4 million doses in 2007 – enough to give each patient a dose of hydrocodone or oxycodone every 1 hour and 15 minutes when considering the CDC average and the company's represented market share.

The lawsuit contends McKesson either failed to develop an adequate system to identify suspicious orders or blindly ignored such potential. Those actions netted large profits, which the corporation used in paying bonuses and additional commissions to incentivize more business.

Attorney General Morrissey alleges McKesson violated state consumer protection laws and failed to meet industry standards, such as knowing each drug store's population base and their methods to ensure filled prescriptions meet a legitimate medical purpose.

The lawsuit contends McKesson only developed a plan to identify, detect, report and stop suspicious orders as result of two settlements with the federal government, the first of which involved significantly less pills than the corporation shipped to West Virginia.

“My decision today is an independent one, consistent with my duty to carefully examine evidence before filing a lawsuit,” Attorney General Morrissey said. “In this case, we issued a subpoena, enforced the subpoena and conducted a thorough investigation, before concluding that it was proper to file this action.”

The eight-count civil complaint, filed in Boone Circuit Court, highlights hydrocodone and oxycodone delivered to select counties, while the overall case focuses upon those drugs and several others distributed statewide.

The complaint seeks injunctive relief for violations of the state’s uniform controlled substances act, in addition to charging McKesson with negligent violation of law, intentional acts and omissions, public nuisance, negligence, unjust enrichment, violation of the state’s Consumer Credit and Protection Act and unfair methods of competition and/or unfair or deceptive acts or practices.

View a copy Attorney General Morrissey’s expanded statement at <http://1.usa.gov/1UCneXI>

View a copy of the filed, time-stamped complaint at <http://1.usa.gov/1RyCOE2>

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