

# Opioid-Related News and the Courts

## Weekly Review

December 28, 2020



### National

#### [Justice Department Sues Walmart, Saying it Fueled Opioid Crisis](#)

New York Times

The Justice Department sued Walmart on Tuesday for what it said was the company's role in fueling the nation's opioid crisis by allowing its network of pharmacies to fill millions of prescriptions for opioids, thousands of which authorities said were suspicious.

The 160-page civil complaint alleges that Walmart knew its system for detecting questionable prescriptions was inadequate and details numerous instances when employees warned federal authorities and company managers about suspicious prescriptions.

"As one of the largest pharmacy chains and wholesale drug distributors in the country, Walmart had the responsibility and the means to help prevent the diversion of prescription opioids," Jeffrey Bossert Clark, acting assistant attorney general of the Justice Department's civil division, said in a statement. "Instead, for years, it did the opposite — filling thousands of invalid prescriptions at its pharmacies and failing to report suspicious orders of opioids and other drugs placed by those pharmacies."

### National

#### [COVID-19 Eased Drug Treatment Rules — And That Saved Lives](#)

Stateline

When the pandemic hit in March, people in treatment for substance use disorder worried they would lose access to the medications and counseling they rely on.

In most places, that hasn't happened.

In fact, for many in recovery, access to treatment has gotten a lot easier.

Since March, some patients have been allowed to take the life-saving medication methadone at home instead of risking COVID-19 exposure by visiting a crowded clinic every day.

Buprenorphine patients have had their prescriptions renewed by phone instead of visiting their doctors every week or month. And addiction counseling and crisis support has become available over the phone.

Now, physicians and addiction experts are advocating for extending the emergency federal and state rules they say have saved thousands of lives by dramatically expanding access to addiction treatment.

The American Society of Addiction Medicine and other behavioral health organizations are supporting a bipartisan bill in Congress that would continue the addiction treatment telehealth rules beyond the pandemic.

“Telehealth sessions have been a lifeline for those walking the long road to recovery during a stressful, isolating time,” said Sen. Sheldon Whitehouse, a Rhode Island Democrat who is co-sponsoring the bill, in a news release.

“Our bipartisan legislation would ensure that recovery support continues to be widely available from the comfort of home after the pandemic wanes.”

## **Tennessee**

### [Tennessee high court says Big Pharma can be held liable in opioid epidemic](#)

Knoxville News Sentinel

In the first ruling of its kind in Tennessee, the state Supreme Court says opioid makers and distributors who act like drug dealers can be sued as drug dealers.

In an unanimous decision authored by Justice Sharon Lee and released Thursday, the high court ruled Big Pharma can be sued under the Tennessee Drug Dealer Liability act — a state law that allows “innocent third parties” of illegal drug dealing to sue drug dealers for damages.

The court ruled that opioid makers and distributors cannot shield themselves from the law by arguing they make and sell legal drugs approved by the Food and Drug Administration and, therefore, cannot be labeled illegal drug dealers.

“The drug companies allegedly manufactured and distributed highly addictive opioids in quantities too large to be medically justified,” the opinion says. The complaint alleges that the drug companies observed signs of illegal diversion, and they knew that some of the opioids were being distributed without a prescription and thus were illegal drugs.

“The ... plaintiffs assert that the drug companies knew and intended that unscrupulous doctors, ‘pill mills,’ or others on the street would distribute the drugs to persons not registered to receive them.”