

Oxy execs targets of activism

Folsom woman testified against drug manufacturer

Roger Phelps



Courtesy Folsom's Barbara Van Rooyan with son Patrick Stewart on Christmas Day 2003, the last holiday she spent with him. Stewart died in 2004 after ingesting one Oxycontin tablet and two beers at a party.

Convicted fraudsters who misbranded the addictive painkiller Oxycontin find a Folsom woman among a nemesis group committed to their further punishment.

“I lost my son, Patrick,” said Barbara Van Rooyan, a counselor at Folsom Lake College. “Somebody gave him one pill at a party, telling him, ‘It’s sort of a muscle relaxant, prescription.’ He was drinking a couple of beers. He stopped breathing in his sleep.”

Patrick Stewart, Van Rooyan’s son, graduated from Oak Ridge High School in 1998. Van Rooyan and 18 other activists attended a sentencing hearing for Oxycontin manufacturers in 2007.

Convicted in 2007 of misleading physicians and patients into believing that their Oxycontin product was less addictive and less likely to be abused than other narcotics, Purdue Pharma LLC executives Michael Friedman, Howard Udell and Paul Goldenheim got no jail time. Their plea bargain was brokered by Rudy Giuliani, who still represents Purdue Pharma. Van Rooyan and others spoke at a July 2007 sentencing hearing.

“Many of us lost loved ones,” Van Rooyan said. “We had written the judge, ‘We want those suckers to go to jail.’ We knew the plea bargain, brokered by Rudy Giuliani, included no jail. He has friends. Historically, he has pulled strings with the FDA for Purdue Pharma. He has worked for the FDA. Curtis Wright is the FDA official responsible for allowing Oxycontin prescription for moderate pain. Shortly after it was approved for moderate pain, he went to work for Purdue Pharma as a consultant.”

Fellow activist Marianne Skolek of Myrtle Beach, S.C. contacted the Telegraph in March. Skolek saw her daughter, Jill, die in 2002 after less than four months on a prescribed dose of Oxycontin.

“I testified against (Purdue Pharma executives in court) as well as in front of the U.S. Senate about their criminal activity,” Skolek wrote on March 22. “I have to believe there is a special place in hell for these people for the epidemic they caused in every state in the country of Oxycontin addiction and death. My work now focuses on why the FDA allowed Purdue Pharma to unleash this Holocaust of death and addiction with the marketing and manufacturing of Oxycontin, and did nothing to stop it.”

At the sentencing hearing, Van Rooyan said, defense attorneys “begged for no probation, saying that for these upstanding gentlemen, it would ruin their lives.”

The company paid fines of approximately \$600 million, and executives together paid \$35 million.

“I asked for probation staffing a rehab center,” Van Rooyan said. “I’ve tried to determine whether that probation is being honored, but I can’t find out. Everyone I talk to says, ‘That’s confidential.’”

Van Rooyan said she believes Purdue Pharma has long been able to influence U.S. authorities.

In front of the Senate Committee on the Judiciary, Skolek testified, “I want to know how Rudy Giuliani could be the “big star” hired by Purdue Pharma to play down the abuse and diversion of Oxycontin and also get paid by the DEA for work performed for them.”

Still, the activists continue to seize opportunities to pressure the federal Food and Drug Administration.

“Our main focus right now is on the May 5-6 FDA Anesthetic and Life Support Advisory Committee meeting that is scheduled to take place in Maryland,” Van Rooyan said. “For four years I have been requesting that this committee meet to once again review the inappropriateness of Oxycontin being approved by the FDA for moderate pain -- one of the main reasons why it is in so many medicine cabinets and so available on the streets. We are concerned that approval of the new formulation will not also include recall or at least phasing out of the current non-abuse resistant form.”

Purdue Pharma spokesman Jim Heins said the company “would not comment at this time” on the question of recall of current Oxycontin after a reformulation.

Van Rooyan, Skolek and others want Goldenheim, formerly Purdue’s medical director, to have his medical license revoked and Udell, Purdue’s top lawyer, disbarred.

Purdue Pharma, of Stamford, Conn., also reportedly recommended doses at eight hours instead of an FDA-approved 12 hours, but suffered no consequences from the FDA. That led Connecticut Attorney General Richard Blumenthal four years ago to file a citizen’s petition with the FDA seeking stronger federal warnings on the drug.

Nothing happened.

On March 31, Blumenthal filed a lawsuit in federal court today against FDA to force the agency to act on his 4-year-old citizen petition seeking stronger warnings related to Oxycontin.

“Twenty percent of Oxycontin prescriptions are for doses at dangerous eight-hour time intervals or shorter,” Blumenthal’s complaint states. “These ongoing practices produce, in effect, an extra dose a day. After four years of proven dosing dangers and Purdue Pharma criminal convictions, the FDA seems in denial.”

FDA spokeswoman Susan Cruzan said Thursday, “The Blumenthal petition is under review and we will issue a response when our review is complete.”

Purdue spokesman Heins said the company would not comment on the Blumenthal suit, but that the company is aware of the activist campaign by Van Rooyan, Skolek and others seeking further punishment for executives and to force Purdue Pharma to toe a tight line in its future commercial endeavors.

“This isn’t the first time one of those folks has gone to the media,” he said.

Heins denied reports that the company promoted an eight-hour dose schedule.

“That’s not true,” Heins said.

Van Rooyan said it is nothing but a “party line” that because there is under-treated pain in the U.S., new painkillers need to be approved. Morphine is cheaper than Oxycontin, has a time release and is readily available by prescription from pharmacies. Van Rooyan and fellow activists take credit for the FDA’s responding to a citizen petition about Palladone, another Purdue Pharma painkiller.

“Palladone was removed (from the market) because of fear of rapid dissolution of the time-release mechanism when combined with alcohol,” she said.

At the Sacramento office of the federal Drug Enforcement Administration, Gordon Taylor, special agent in charge, said within the last year agents have devoted increased time to Oxycontin.

“We’ve seen a certain uptick in Oxycontin investigations in pretty much the whole region,” Taylor said. “We typically go out with a whole squad, 10 investigators, more in some cases.”

Street names are “oxy” and “O-C.” Pills are crushed and shot up, or snorted. According to a KCRA-TV report, some students at a Rocklin high school recently could be seen crushing Oxycontin on their desks and snorting it.

Sacramento-based DEA agents in February arrested a Red Bluff pharmacy technician after making undercover buys of Oxycontin and other pharmaceuticals he allegedly stole and sold to accomplices, who allegedly resold them around the upper Sacramento Valley. Taylor said high demand and low supply characterize the street Oxycontin market in the region.

“What we see is that teenagers think, ‘Because it originates from a pharmacy, it’s only medicine, and can’t be harmful,’” Taylor said. “Nearly 60 percent of non-medical users say they first received the drug from a friend or relative, for free. This is the medicine cabinet, here. Parents tend to lock up the alcohol, but should be better at locking up the prescription drugs.”

Oxy is a downright calamity in other areas, according to a DEA report.

“Tazewell County, Va. estimates that Oxycontin addiction is behind 80 to 95 percent of all crimes committed there,” the report states. “Some jurisdictions report as much as a 75-percent increase in property and other crimes that they specifically attribute to the abuse of Oxycontin.”

Official reports suggest the DEA suspects a continuing problem with Purdue Pharma.

“DEA continues to examine the rapid increase in the requested levels of (generic) oxycodone quota by the manufacturer of Oxycontin,” an agency report states. “DEA continues to work closely with the FDA in strongly urging the rapid reformulation of Oxycontin to the extent that it is technically possible, in order to reduce the abuse of the product, particularly by injection.”

San Francisco-based attorney Alex Coolman, publisher of the Drug Law Blog, writes that jail would be too much punishment for the drug execs, but that the Purdue case stank.

“I’m not an advocate of jail time for any drug offense,” Coolman wrote. “But I’ve been astounded by the double standard that was applied to the Purdue prosecution and the appearance of Justice Department intervention on behalf of this corporation. The Purdue case is simply appalling, and it amazes me that the U.S. can continue to apply such harsh laws to the sale of certain recreational drugs ... after having treated the years-long corporate fraud that occurred around Oxycontin sales as if it were comparable with some sort of civil negligence.”

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