

# When Prescriptions Do More Harm Than Good

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TAMPA - Carolyn Aviles won't call it an accident.

A pickup hit her side of the car as she was pulling into the street from a parking lot. A mishap, she said. That's all.

But in the seat beside her, her son grabbed his neck.

"Don't even go there," she warned.

She knew her son, Joseph Valdez, schemed to get drugs. Faking neck pain from a car accident could bring the 29-year-old addict a fresh supply of oxycodone, Xanax or Soma.

Valdez was hooked on prescription drugs. His mother was trying to get a court order to force him into treatment again. She had called his doctors and begged them not to give him any narcotics. She had done everything she could think of to break the grip drugs held over her son.

In the three years after the car mishap, Valdez's addiction deepened, taking him to four hospitals, one of them more than 30 times. Eleven times he went by ambulance.

At the end of those three years, this bear of a man, father of a young daughter, a troubled but charming guy with a talent for making people laugh, was dead from an overdose.

"I blame the doctors," Aviles said. "I blame the system. I blame - I should blame him, but I don't. You can't blame a person that is out of control."

Valdez was one of 191 people in Hillsborough County whose deaths were caused, at least in part, by prescription drug overdoses in 2007 - a 60 percent increase over 2006 and nearly three times the number in 2003, according to the Florida Medical Examiners Commission.

Three times as many people die from prescription drug overdoses in Florida as from all illicit drugs combined, state drug czar Bill Janes said. Yet year after year, state lawmakers reject efforts to create a monitoring program like most other states have.

The story of Valdez's addiction is the story of a scourge tearing through the Tampa Bay area, its victims longtime addicts such as Valdez but also a professional wrestler and the son of a doctor.

There are other victims, too - the pain patients facing a medical community reluctant to treat them, the drugstores hit by violent robberies, and the loved ones, such as Aviles, who are left behind.

"He was full of life, full of jokes," Aviles said. "He just really loved his family. He really tried to do well, but he couldn't."

One counselor told her, "Sometimes, patients do die."

An Old Injury

Joseph Valdez grew up in West Tampa. He loved baseball, football and basketball. When he was 12, he hurt his knee riding a dirt bike. He used the injury later, after he became an addict, to persuade doctors to give him drugs.

He drank beer and did cocaine as a teen. He had learning disabilities and didn't want to be in school, so he dropped out at 16. Later, he went to adult education classes to get his diploma, but he didn't graduate. Because he was diagnosed as bipolar, he received Social Security disability. He stayed with friends and relatives.

In his early 20s, he started using crack. Somewhere along the way, he discovered prescription drugs. When his marriage fell apart in 1999, he was 25. "He was really into Xanax at that point," his mother said.

### Doctors were a key link in Valdez's chain of addiction.

Experts say precise numbers are impossible to determine, but a national survey of addicts in methadone clinics found that 28 percent said they got their drugs by prescription.

"An alarming number of cases" involving prescription drug deaths have drawn the attention of the Hillsborough County State Attorney's Office, said Assistant State Attorney Darrel Dirks. "There are certain pharmacies and certain doctors whose names seem to come up often. The law enforcement community is trying to do something about it."

One doctor, John Mubang, was arrested July 16 and charged with drug trafficking. Investigators said in a search warrant affidavit that Mubang was the prescribing practitioner in at least four overdose deaths linked to prescription drugs. There is no evidence Valdez ever saw Mubang.

Every medical examiner's office has encountered "frequent fliers," or doctors whose patients seem to die of overdoses, said Stephen J. Nelson, chairman of the Florida Medical Examiners Commission.

"I think every office probably has physicians whose names continue to come across their desks," Nelson said. "To take it to the most benign, the decedents are doctor-shopping, and people know these particular doctors are easy marks to get drugs."

Nine doctors in Hillsborough County wrote prescriptions contributing to the deaths of at least two people each, The Tampa Tribune found in a review of 2006 and 2007 Hillsborough County Medical Examiner records. At two clinics, doctors wrote prescriptions contributing to the deaths of four patients each.

Most of the overdose deaths examined involved prescriptions from multiple doctors. Many also involved alcohol and illicit drugs, such as cocaine and heroin.

No doctors have been charged in Valdez's death.

Aviles said that if most of the doctors hadn't made it so easy for her son to get drugs, he would still be alive.

Valdez's medical records are full of prescriptions and references to his narcotics addiction. During doctor visits, he would lie and threaten legal action in his search for drugs, according to the medical records obtained by the Tribune with the assistance of his mother.

Over the years, doctors alternately questioned his claims, provided prescriptions, pronounced him well, changed his medications and declared his case hopeless. Sometimes, he went to outpatient clinics for addiction counseling. Other times, he resisted treatment.

### Keeping Track Of Prescriptions

Doctors who treated Valdez often seemed unaware of his history of overdoses and his prescriptions from other doctors.

### Florida doesn't make it easy to keep track.

More than 30 states maintain databases of patient prescriptions to help doctors and pharmacists. Without this help, even vigilant physicians can remain in the dark about patients' doctor-shopping.

Efforts to create a state-run database in Florida have failed because of opposition in the House of Representatives, where some members say they are concerned about government intrusion in private medical records.

The monitoring program remains a top priority for Janes, of the state Office of Drug Control. Janes said that after a half-dozen tries in recent years, the office came closer than ever to succeeding during this year's legislative session.

Both chambers agreed on language to create a database and earmarked \$100,000 in state money. Janes said his office would have committed to raising \$4 million more in private money.

The legislation failed because of budget concerns. Janes expects progress next session. "I believe the state of Florida is tired of the inaction on this issue, and I believe we will move something forward," he said.

### Vigilance By Doctors Is Needed

It is unclear whether a tracking system would have saved Valdez. But some doctors did try to cut off his prescriptions.

One pain management doctor discharged Valdez from treatment in 2006 after Valdez overdosed twice, once on prescription drugs and once on a combination of prescription drugs and cocaine. The doctor earlier questioned Valdez's claims of pain, writing that tests didn't support the level of narcotics he was taking.

Another doctor, at St. Joseph's Hospital in Tampa, blocked recommendations by two pain management doctors who were called to see Valdez there in November 2005.

Valdez had checked himself in, saying he was suicidal and in pain. His "main focus" was getting narcotics, the hospital doctor wrote in a report. Valdez resisted the substance abuse treatment that had been recommended. Still, the two pain management physicians left recommendations for medication.

The hospital doctor stepped in, writing in a report, "This should be superseded based on additional information they were not privy to."

Some doctors may be careless and a few even corrupt in their prescribing practices, but experts say many of them simply lack the savvy to know when they're being manipulated by an addict.

Doctors need to have "a high index of suspicion," said Martha Smith, who teaches a course at the University of South Florida for doctors who "misprescribe." Most of her students are ordered to take the class by regulatory agencies or insurance companies. A few attend voluntarily.

Even the most alert doctors can be fooled, Smith said. Physicians don't usually want to act as police.

Some doctors adopt strict procedures to help ensure responsible prescribing. Lynn Columbus, who advises the state Board of Health on prescribing practices, said she obtains patients' medical records, requires them to undergo urine drug screens and consults with a mental health counselor before she prescribes narcotics.

Columbus, a Palm Harbor osteopath, said it's often not necessary to prescribe addictive medications because many alternative drugs and treatments are available.

### A Habit 'Bigger Than Life Itself'

Some addicts turn to violence to support their habits, contributing to a series of local drugstore holdups. Three suspects were arrested in four Pinellas County pharmacy robberies during March and April. A police officer was shot in one of them. And a Palm Harbor pharmacy was held up July 16 by a man who fired a pistol into the ceiling.

Although Valdez could become surly and violent when he was in the throes of addiction, there is no evidence he used violence to obtain prescriptions.

Once, he punched out the window of his father's car. He even punched his father.

**But Valdez got his drugs by working the system.**

**He frequently switched doctors and stories. He complained of pain in his back and his knee. He said he fell off a ladder, hurt himself playing basketball, was hit in the face with a baseball, got tackled playing football. He had chest pains and gastrointestinal problems. He claimed a back injury from the car accident with his mother. He made up a story about being stressed because he had to care for 13 children.**

He repeatedly attempted suicide, but his mother and doctors were skeptical he really wanted to die.

"No behavioral signs of pain," a doctor wrote during one of Valdez's hospitalizations. "In fact, at times, noted to literally bend over while laughing at something that other patients had said."

When Valdez visited his Aunt Louise, his mother's sister, they talked about his problems.

"He would say, 'Tia, I'm going to really pull together. I'm going to make it this time,'" recalled Louise Valdez, who coincidentally shares her nephew's last name.

"He was trying to uplift his life. He knew I did not approve of what he was doing. I would say, 'Joey, remember, keep that up,' try to give him encouragement so he could kick that habit that he had. His habit was bigger than life itself."

One of the doctors Valdez convinced with his complaints of back pain was Richard Hays at the Kenaday Medical Clinic, then at 4730 N. Habana Ave.

During a visit on May 18, 2006, Hays prescribed an MRI as well as the painkiller oxycodone and carisoprodol, the muscle relaxant sold as Soma.

A week later, another patient filled a prescription from Hays for oxycodone. The patient was dead within days from the combined effects of four drugs, including oxycodone. The source of the other three drugs was not known.

The Tribune's review of medical examiner records for 2006 and 2007 found two other people whose overdose deaths were linked, in part, to drugs prescribed by Hays.

A second physician in the clinic, Gerard Romain, is accused in a complaint by the Florida Department of Health of improperly prescribing the painkiller hydrocodone over the Internet to a California man who died of an overdose in June 2006.

Romain denies the allegations in the state's complaint, said Dale Sisco, a Tampa lawyer representing the Kenaday clinic. A state medical board hearing is scheduled this week in Tampa.

Sisco said doctors "have a duty to treat their patients for pain."

He said Kenaday follows a protocol to identify drug abusers but insisted doctors cannot be blamed when they are fooled by drug addicts, particularly when Florida has no prescription monitoring program.

The Final Slide

When her son faced possible arrest 15 months ago, Aviles thought the justice system might give him some structure.

Instead, one of her last chances to save him slipped away.

At 32, Valdez would soon join the growing number of prescription overdose casualties. They include Timothy Rew, whose father, John, is a Tampa pain management doctor and wrote prescriptions for two of the four drugs that killed his son, and professional wrestler Brian Adams, also known as "Crush," who was found dead last year at his northeast Tampa home.

On April 4, 2007, Valdez took a friend's car without permission and traded it for crack. Later, Tampa Fire Rescue found him on the front porch of another friend's house. He said he had swallowed 45 or 50 Xanax. He was taken to St. Joseph's.

Although the police were involved, the car owner decided not to press charges.

While Valdez was in the hospital, his primary care doctor, Henry Weiss, ordered him cut off from narcotics.

Aviles told a hospital social worker she was concerned that without a comprehensive program, her son would kill himself.

The day Valdez left the hospital, April 23, he had a prescription refilled for carisoprodol, the muscle relaxant. The prescription had come from Weiss' partner, Leonard Mennen, on March 27.

Weiss and Mennen said the treatment they gave Valdez was appropriate.

"I think this is tragic, what happened," Mennen said. "I don't think anybody can be blamed for it."

The two doctors said Valdez was in severe pain, so any narcotics prescriptions they wrote were justified. And they noted they referred him to pain management specialists.

"A lot of patients have chronic pain issues and narcotic dependence," Weiss said. "That's why you send him to pain management."

The day after his release from St. Joseph's, Valdez returned to the Kenaday clinic with an MRI from February showing a knee injury and with pharmacy records from March showing he had obtained narcotics then.

He paid \$100, saw Romain, and was given prescriptions for Soma, oxycodone and Xanax, a tranquilizer known generically as alprazolam.

The same day, he swallowed the three drugs.

Soma causes drowsiness and lethargy and impairs breathing. Oxycodone is derived from morphine. Combining them multiplies the effect on the central nervous system.

"He probably went to sleep and never woke up," said Paul Doering, a pharmacy professor at the University of Florida who was asked by the Tribune to review the cause of death.

Valdez sealed his fate by taking methadone. There is no evidence he had a prescription. His mother thinks he got it from a friend.

Methadone is a synthetic form of morphine, which first came on the market for its pain-relieving properties and later was used to treat heroin addiction.

Valdez fell asleep at a friend's house. Someone noticed he was snoring, then not breathing. A call was placed to 911, and he was taken to St. Joseph's.

"We got the phone call from the hospital," Aviles recalled. "I thought it was going to be another incident, but the nurse told me to come immediately. He was critical. Right now."

She and her husband, Jose, jumped into the car. On the way to the hospital, she called her sister Louise.

"They called me, and they told me he's not responsive. 'What does that mean, Louise?'"

"We'll find out when we get there," Louise responded. "I'm on my way."

When Aviles got to the emergency room, she learned that despite her pleas, there was nothing doctors could do.

Outside, Louise drove around, frantically looking for a parking spot. Her cell phone rang.

"Louise, I've lost my son!"

They took Aviles to her son's bedside.

"All I could do was look at his lifeless body there and try to remember the good times."

In Valdez's pocket, nurses found the receipt from the Kenaday clinic, an empty Soma bottle and a Xanax bottle with a few pills still inside.

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