

Kentucky Attorney General Jack Conway

**Testimony for the Committee on Energy and Commerce/Subcommittee
on Commerce, Manufacturing, and Trade**

March 1, 2012 - 10 a.m. EDT

"Prescription Drug Diversion: Combating the Scourge"

Attorney General Jack Conway will testify before the subcommittee regarding prescription drug abuse in the Commonwealth of Kentucky. He will outline the history of the abuse, how pervasive abuse is in the Commonwealth and his efforts to crackdown on prescription drug abuse.

Attorney General Conway will discuss his public education initiative, his prescription drug task force (the first of its kind in Kentucky) and his partnership with Florida Attorney General Pam Bondi.

Attorney General Conway will address the need for prescription drug monitoring programs in all 50 states and additional federal grants for states to ensure that all of the programs can share data. He will outline pending legislation in Kentucky that would help crackdown on rogue pain clinics.

Attorney General Conway's Testimony

Chairwoman Bono Mack and Rep. Butterfield, thank you for inviting me to testify before your subcommittee today. I would also like to thank Rep. Brett Guthrie from Kentucky who serves on this subcommittee. I appreciate his attention to this issue.

Prescription pill abuse is a reality that has touched the lives of almost every Kentucky family - including my own.

Prescription pill abuse has ravaged communities, shattered families and fueled crime.

A recent analysis by **Forbes Magazine** comparing the number of filled prescriptions for schedule II and III narcotics to the number of residents in the state, finds Kentucky is the fourth most-medicated state in the country. Our neighbors, West Virginia and Tennessee, are one and two respectively.

Last year in Kentucky, more people died from drug overdoses than car accidents. And we believe the number of overdoses is grossly underreported because only 55 percent of total statewide overdose deaths were autopsied. In those autopsies, the most common drugs found weren't heroin or cocaine; they were Xanax, Oxycodone and Methadone. Last year, Kentucky hospitals treated 5,000 overdose patients.

Law enforcement officers first started seeing the diversion of prescription painkillers in Eastern Kentucky. Residents in this part of our state generally work in the coal mines or with heavy machinery related to construction or mining. These are injury-prone jobs. Some people who were prescribed these pills by a doctor became hooked. Eastern Kentucky is also an economically depressed area. People who were hooked found they could sell their pills for cash on the streets - creating new addicts. Law enforcement officers now estimate that 80 percent of the crime committed in Eastern Kentucky stems from the abuse of prescription painkillers.

The problem has spread across the Commonwealth like wildfire.

I travel across Kentucky teaching kids about the dangers of prescription pill abuse because I refuse to lose another generation of Kentuckians to this insipid addiction. I am blessed to be joined in my efforts by two amazing mothers who lost their daughters, childhood friends, to prescription drug abuse. Dr. Karen Shay and Lyn Kissick are committed to trying to save other families from experiencing the pain of losing a child.

In every high school or middle school we visit, I ask the question, "How many of you think prescription drugs are easy to get?" About 70 to 80 percent of the hands go up. I then ask, "How many of you have ever taken prescription drugs for a purpose not listed on the bottle?" About 70 to 80 percent of the hands go up. I conclude by asking, "How many of your parents lock up their medicine cabinets?" All of the hands in the room go down. This is an addiction that is starting in our homes.

As Kentucky's Attorney General, I am on the front lines of this battle against prescription drug abuse. I created Kentucky's first statewide prescription drug task force. This isn't just a task force that sits around talking about the issue - our task force is made up of sworn law enforcement officers that coordinate our investigations with state, local and federal agencies. We participated in the largest drug bust in Kentucky history - Operation Flamingo Road - which resulted in more than 500 indictments. This was a coordinated law enforcement effort to help shutdown the pipeline of pills flowing into our state from Florida.

At one point, our officers believed 60 percent of the pills on the streets of Kentucky were coming from Florida. In fact, my

good friend, Florida Attorney General Pam Bondi, told me she raided a clinic in Broward County and seized 1,700 medical records - 1,100 were patients from Kentucky. That's what we in law enforcement call "a clue."

General Bondi and I have worked tirelessly in a bipartisan effort on this issue. She's done a tremendous job taking on these pill pushers dressed in white lab coats. She created a strike force that's cracked down on pill mills. Florida was home to 97 of the nation's top 100 prescribers of oxycodone. That number is now down to 13. I applaud her for working to ensure her state implemented electronic prescription drug monitoring.

This issue knows no party. We are both committed to fighting the scourge of prescription drug abuse and we agree that EVERY state must have prescription monitoring in place. Thirty seven states have prescription drug monitoring programs and another 11 have legislation authorizing their creation, but they are not yet online or fully operational.

I appreciate Mr. Kerlikowske's commitment to reducing prescription drug abuse across the country by 15 percent, but I know that in order to reach this goal, there must be an

investment by the federal government. I urge this committee and the National Office of Drug Control Policy to create a grant program that would bring all states online with electronic monitoring and upgrade software for existing states so that all of our systems can communicate with each other.

My state is not an island. Kentucky borders seven states. If people will drive or fly to Florida to get their hands on prescriptions, you can bet they are driving to Missouri, Tennessee, Indiana, Ohio, West Virginia, and Illinois.

Right now our state legislature is working to strengthen laws to help shut down rogue pain clinics. I worked with our Governor and House Speaker to craft legislation that would keep entrepreneurs out of the pill mill business by requiring that all pain management centers be owned by a licensed medical professional or hospital. The bill requires our Kentucky Board of Medical Licensure to stop granting licenses to doctors who've been charged for overprescribing in other states and to immediately yank doctors' licenses when they are indicted. It also would move the state's electronic prescription monitoring system into my office to afford law enforcement increased access to data.

Let me be clear, prescription drug abuse is killing our people. Three people will die today of prescription drug overdoses in Kentucky. One hundred people in this country will die today from prescription drug overdoses.

I promise you, we are fighting the good fight in Kentucky, but we can't do it alone. We need your help.

Madam Chair, I appreciate your attention to this issue and will be happy to answer any questions you many have now or in the future.

###