

Press Release

January 20, 2020 FOR IMMEDIATE RELEASE CONTACT:

Dr. Sharon Harris: 516- 676-2008  
safeglencove@yahoo.com

### **SAFE Glen Cove Coalition: Opioid Epidemic-Criminal Trial of Top Executives**

A recent article in the Washington Post discusses sentencing scheduled to begin in the criminal trial of top executives at Insys Therapeutics. This landmark case was the first successful prosecution of high-ranking pharmaceutical executives linked to the opioid crisis, including onetime billionaire John Kapoor.

After a 10-week trial and 15 days of jury deliberations, Kapoor and his four co-defendants were found guilty of racketeering conspiracy in May 2019. This charge is often used to prosecute drug dealers and mob bosses. However, this was a rare case in which the federal government used racketeering to go after corporate executives.

The Insys executives were found guilty of running a nationwide bribery scheme. The case centered on a potent opioid painkiller, Subsys, that Insys developed and aggressively marketed.

Federal prosecutors argued that from 2012 to 2015, the company paid doctors to prescribe the opioid in high doses and give it to patients who did not necessarily need it. They did this through inviting doctors with a history of liberally prescribing opioids to participate in a fake "speakers program." The federal prosecutors said the doctors were paid well for "speaking" if they wrote a lot of prescriptions for Subsys, even if nobody showed up to the lectures. Insys representatives then systematically lied to insurance companies in an effort to ensure that their painkiller, which could cost as much as \$19,000 per month, would be covered.

Kapoor's defense attorneys argued that he was unaware of the illegal activities. They blamed executives who pleaded guilty and cooperated with the prosecutors. The jury was not convinced and found Kapoor and his co-defendants guilty.

However, seven months later, the Massachusetts federal judge overseeing the case struck down part of the jury's verdict. U.S. District Judge Allison Burroughs said the evidence was insufficient to prove the jury's conclusion that Insys executives intended that doctors prescribe the opioid when it was not medically needed. Burroughs said the evidence indicated that the defendants did not care about the medical necessity of the drug, but it did not prove their intent.

"The Court only very reluctantly disturbs a jury verdict, but finds it necessary to do so here," Burroughs wrote in her ruling. While she overturned the jury's finding that the defendants violated the Controlled Substances Act, she denied the defendants' request for a new trial, and the defendants were still guilty of other acts, including mail fraud and wire fraud.

When federal prosecutors brought charges against Insys executives, experts saw it as the federal government seeking to hold drug companies accountable for their part in the opioid

epidemic. The judge's decision to overturn part of the Insys verdict was interpreted as an indication that federal prosecutors may be overreaching.

Outside the trial, Insys Therapeutics has faced trying times. A month after the Insys executives were found guilty, the company reached a \$225 million settlement with the Justice Department. As part of the agreement, the company acknowledged bribing doctors and agreed to close federal monitoring. Five days later, the company filed for Chapter 11 bankruptcy. Amid it all, Insys replaced its CEO who lasted only six months.

The sentencings are scheduled to conclude at the end of the month.

The Washington Post is a major American daily newspaper published in Washington, D.C. It has taken a leadership role in following the Nations opioid epidemic. Please visit The Post's Opioid Files for more information at [www.washingtonpost.com](http://www.washingtonpost.com).

SAFE, Inc. is the only alcohol and substance abuse prevention, intervention and education agency in the City of Glen Cove. Its Coalition is conducting an opioid prevention awareness campaign entitled, "Keeping Glen Cove SAFE," in order to educate and update the community regarding opioid use and its consequences. To learn more about the SAFE Glen Cove Coalition please follow us on [www.facebook.com/safeglencovecoalition](http://www.facebook.com/safeglencovecoalition) or visit SAFE's website to learn more about the Opioid Epidemic at [www.safeglencove.org](http://www.safeglencove.org).