

## THE SUBOXONE CLASS ACTION

By: MARTIN J. ROTHSCHILD, J.D.

The unique opioid buprenorphine was approved by the FDA for the treatment of opioid addiction in 2002. Suboxone is a combination of buprenorphine, an opioid which produces less of an effect than a full opioid like oxycodone, and naloxone, an opioid blocker. Buprenorphine has numerous advantages over methadone and naltrexone. It suppresses withdrawal symptoms and cravings for opioids without causing euphoria. Furthermore, it blocks the effects of other opioids for at least 24 hours. Suboxone produces a mildly pleasant sensation at best, it prevents substance abusers from getting high from other drugs, and taking extra suboxone does not usually get the patient high.<sup>1</sup>

Attorneys general from 35 states and the District of Columbia joined in a lawsuit in September 2019 accusing the drug company Invidia, a subsidiary of Britain based Reckitt Benckiser Pharmaceuticals Inc., of attempting to extend its monopoly over Suboxone. The goal of the company was to keep cheaper generic versions of the drug off the market. Originally, the company released the drug in pill form, but later developed a dissolvable film version which they claimed in advertising is “*safer than the original tablet form.*” The lawsuit alleged that the advertising was deceptive and designed to discourage use of tablets. In August 2019, the company discontinued the tablets and drove up prices on the film. The patented film version allegedly prevented cheaper generic versions from being developed. Bottom line, the theory of the case was what is known as “*product hopping*”, that is, changing a product slightly to stop generic versions from coming to market.<sup>2</sup>



Patients who did not have insurance had to pay about \$500.00

per month for the medication and required doctor's visits. Overall-all, prices varied around the country. Those receiving medication assisted treatment for opioid abuse had no alternatives. The plaintiffs in the lawsuit sought to stop the company from anti-competitive practices and to win a monetary award for people in recovery needing Suboxone.<sup>3</sup>



In addition to the civil lawsuit brought by the attorneys general, a criminal investigation was initiated against Indivior, which Reckitt Benckiser Pharmaceuticals Inc. had spun off as a subsidiary to market Suboxone, alleging illegal marketing of the drug. A Federal Grand Jury found in April 2020 that Indivior marketed Suboxone Film to doctors claiming that it was less addictive than other drugs which contain buprenorphine. The company was also charged with setting up a fraudulent "Help Line" which directed opioid addicted callers to doctors who were allegedly prescribing "high doses...in a careless and clinically unwarranted manner". Reckitt, the actual manufacturer of Suboxone film, was held liable for the acts of Indivior and paid a record \$1.4 billion to settle the probes into its operations. The company also agreed to stop marketing Suboxone tablets supposedly because of concern about children being exposed to them, although it was revealed that the primary reason was to delay the FDA's approval of generic forms of the drug. The settlement was part of a non-prosecution agreement, and Reckitt agreed not to manufacture, market, or sell Schedule I, II, or III controlled substances in the U.S. for three years. It also pledged to cooperate with further Suboxone investigations.<sup>4</sup>

Additionally, Reckitt was accused of causing false claims to be submitted to Medicaid which resulted in improper expenditures of state Medicaid funds. An investigation into the company was led by the National Association of Medicaid Fraud Units which included attorneys general from California, Indiana, New York, Ohio, Virginia, Washington and other states.<sup>5</sup>



Regarding the Civil suit, Reckitt will pay a settlement amount of \$700 million to the federal government and six states. The Federal Trade Commission will be paid \$50 million. The settlement recalls the 2007 case where Purdue Pharma paid \$600 million to resolve allegations it deceptively marketed the opioid Oxycontin, and three of its executives plead guilty to criminal misbranding.<sup>6</sup>

**OVERDOSE AWARENESS DAY CELEBRATED AT THE DRIVE-IN  
(WITH KEVIN BACON AND JOHN TRAVOLOTA)**



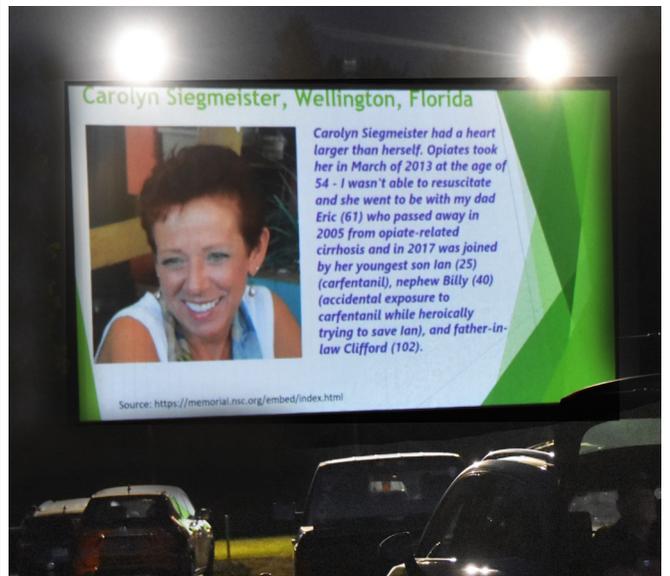
**ANITA AND ANN MARIE SAFELY GREET ATTENDEES**



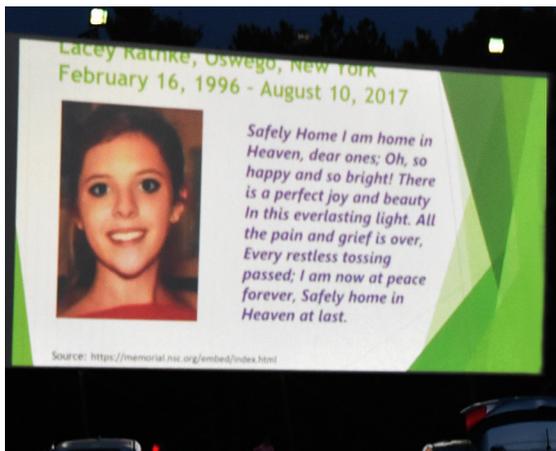
**MOVIE NIGHT IN THE MIDST OF THE PAN-  
DEMIC**



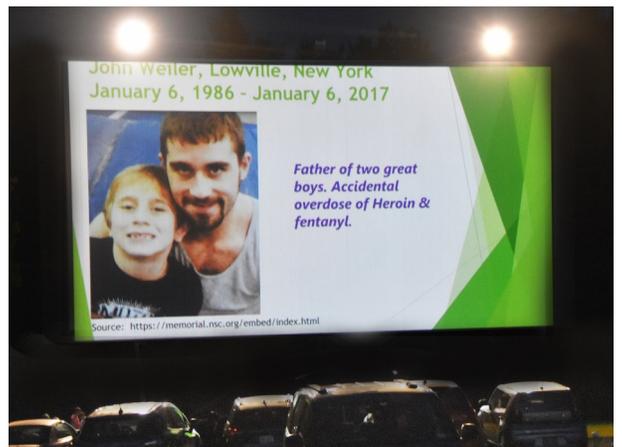
**REMEMBERING SHANE WOODS TURNER**



**REMEMBERING CAROLYN SIEGMEISTER**



**REMEMBERING LACEY RATHKE**



**REMEMBERING JOHN WELLER**

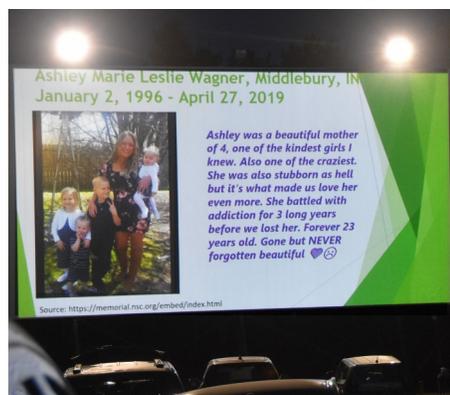
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5. \$700 Million multi-state settlement over prescription drug Suboxone, *Beasley Allen Law Firm*, retrieved from: <https://www.beasleyallen.com/news/700-million-multi-state-settlement-over-prescription-drug-suboxone/>
6. \$700 Million multi-state settlement over prescription drug Suboxone, Id.

## MORE REMEMBRANCES:



REMEMBERING ANTHONY NOTAR-  
STERANO



REMEMBERING ASHLEY MARIE  
LESLIE WAGNER



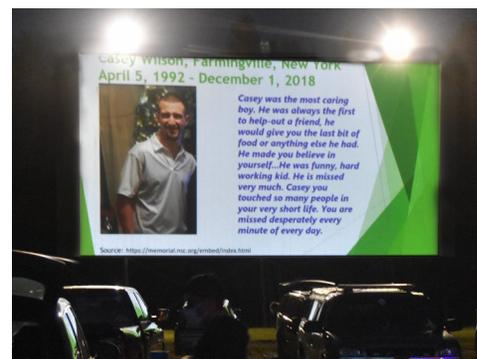
REMEMBERING SARAH ELIZABETH BUNCE



REMEMBERING KATIE LYNN RO-  
DRIQUEZ



REMEMBERING MATTHEW ZANGHI



REMEMBERING CASEY WILSON

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