

The Honorable Governor Rick Scott
State of Florida
Testimony Before the United States House of Representatives
Energy and Commerce Committee
Subcommittee on Commerce, Manufacturing and Trade
Hearing on the Growing of Prescription Drug Diversion
April 14, 2011

Chairman Bono Mack, Vice Chair Blackburn, Ranking Member Butterfield, and members of the subcommittee, I want to thank you for convening this important hearing on the perils of the illegal distribution of prescription drugs. This dangerous problem is destroying communities in my state and across the nation, so I thank you for your attention.

Last year, throughout my campaign, and in the months since I was sworn in as Florida's Governor, I have heard firsthand the heart wrenching stories from family members and friends of those who have lost their livelihoods, and, tragically, their loved ones to prescription drug addiction. And, Chairman Bono Mack I know you have been personally touched by this epidemic.

Florida, like much of the nation, has a long history of criminal drug enterprises. The drugs have ruined lives and threatened the safety of our fellow citizens. Across the decades, the names of the drugs have changed, but the problem has remained.

Today, one of the most common names when it comes to the diversion of legal pharmaceuticals for illegal use is Oxycodone. If you consider some of the statistics from my state, the scope of our problem is made clear.

Consider these facts that come from an analysis of the U.S. Drug Enforcement Agency's (DEA) data:

- 98 of the top 100 doctors dispensing Oxycodone nationally are in Florida – concentrated in the Miami, Tampa, and Orlando regions. (see Chart #1 attached)
- 126 million pills of Oxycodone are dispensed through Florida pharmacies – most of them are in or near the Tampa, Orlando, and Miami regions. (see Chart #2 attached)
- By far, more Oxycodone is dispensed in the state of Florida than in the rest of the nation. (see Chart #3)

When confronted with these numbers, a serious problem is plain to see. However, the nature of our response to the problem is sometimes less clear.

The targets for law enforcement have often been the street dealers and addicts – essentially the bottom level of the distribution chain. In fact, one tool that focuses on end users is a database focused on the patient level. This month in Florida, my Department of Health began implementation of such a database.

As the database implementation moves forward, I must draw your attention to a serious risk that I believe databases like this pose to the privacy of individuals – most of whom are law-abiding individuals.

As you know, in 2009 the Associated Press reported a massive privacy breach when hackers broke into Virginia's prescription-drug database. They obtained more than 8.2 million patient records and a total of nearly 36 million prescriptions.

So, while the database in Florida is brought online, I continue working with my legislative partners to find solutions that protect patient privacy.

More important than computer databases, though, is focusing the resources of my administration on a law enforcement solution that starts at the top of the distribution chain – instead of the bottom.

Every day, we see that pharmaceutical manufacturers and wholesalers turn a blind eye when massive amounts of narcotics stream into the same regions of Florida week after week. Meanwhile, unscrupulous doctors work with storefront pill mills masquerading as legitimate health clinics. Each of these levels (see Chart #4) provides an opportunity for law enforcement to intervene and stop the illegal flow of drugs into our communities.

Since my first days in office, I was told by law enforcement professionals at the state, county and local level that we needed a coordinated, law enforcement response to this criminal plague. Something that, according to law enforcement, had been lacking in Florida.

So, recently, I had the privilege of standing alongside representatives of Florida's law enforcement community, some of the best professionals in the nation, to initiate an immediate law enforcement response to criminal drug trafficking in Florida.

This action, the creation of a Statewide Drug Strike Force, meant that from the highest offices of statewide law enforcement down to the street cops in our cities, we would open the channels of communication and ensure multiagency cooperation. The goal is clear: target the sources of these drugs before they hit the streets.

Until recently, the burden of enforcement has primarily fallen on local jurisdictions. However, our local sheriffs and police chiefs simply cannot continue to tackle this mounting issue alone. They need the assistance of a statewide coordinated effort that provides intelligence, analytical, and investigative support.

Today in Florida, local law enforcement strike teams are working to identify, investigate, and apprehend those in the medical and pharmaceutical distribution chains who are facilitating the abuse of prescription drugs. Commissioner Gerald Bailey of Florida's Department of Law Enforcement serves as the statewide coordinator to support the work of local law enforcement, and local strike teams are co-led by Florida's sheriffs and police chiefs.

In addition, I directed all of the state agencies in Florida that are under my purview to identify investigative resources, licensing and registration information, and analytical research that can be used by law enforcement.

Specifically, I have directed the Florida Department of Health and the Agency for Health Care Administration to provide regulatory and licensing personnel; the Department of Business and Professional Regulation Division of Alcoholic Beverages and Tobacco to provide sworn investigators. Plus, my colleagues on the Florida Cabinet have authorized the Florida Highway Patrol's participation, and investigators from the Division of Insurance Fraud are supporting this effort. Attorney General Pam Bondi is working with prosecutors across our state to ensure these criminals are prosecuted to the fullest extent of the law. I am grateful to all of these professionals for their commitment to this important work.

Not only are these efforts focused on Florida, but we are also coordinating with other states to shutdown a national prescription drug pipeline that some have called the "Oxy Express."

In these first days, I can report that a strike force in Central Florida has already assisted in an out-of-state case last week. Just the other day, I was disappointed to learn that a Deputy Sheriff in South Florida was the first drug trafficking arrest made since the initiation of the Strike Force. At this point it is too early to go into details on these cases, but I can tell you investigations are underway and we expect arrests to continue.

I believe these efforts are the crucial and necessary tools to turn off the supply of drugs into and out of Florida. But there is more for Florida to do.

With my partners in the Florida Legislature, we are moving legislation to limit how doctors dispense narcotics and making sure doctors divest from pharmacies. The role of doctors who have forsaken their commitment to people's health in exchange for the quick buck of unethical and criminal dispensing cannot be overstated and absolutely must be put to an end.

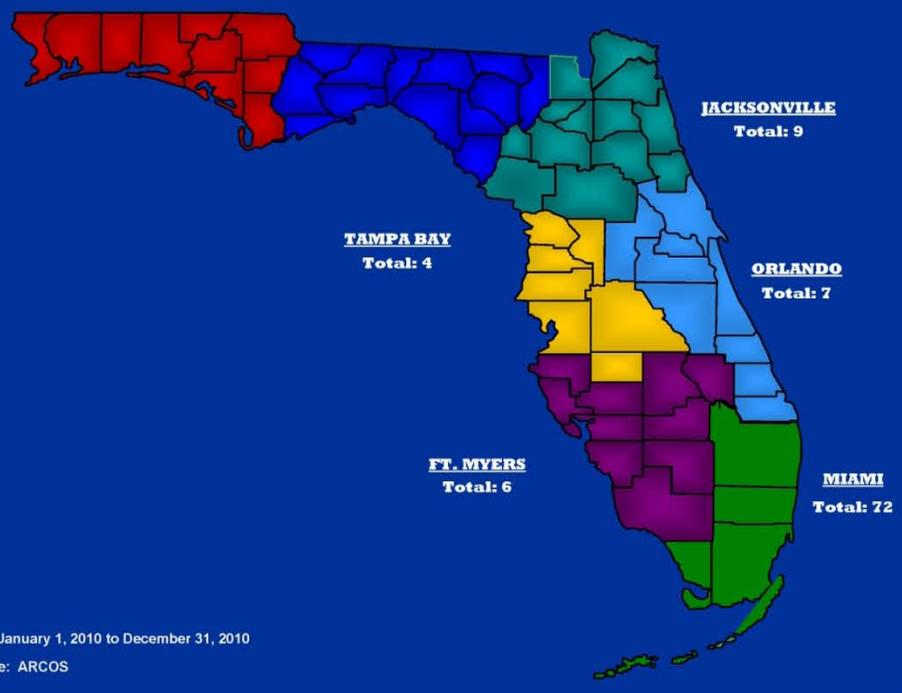
We will also closely review the activities of wholesalers in Florida, and we will put in place tough penalties for those manufacturers and distributors who fail to help us turn off the illegal supply chain.

Let me conclude by telling you I believe we can fight this problem and, with the right strategy, I believe we can win. In my opinion, that strategy is centered on a law enforcement solution that focuses resources at the top of the distribution chain rather than the bottom.

I applaud this committee for taking a serious look at the issue and would ask you to also focus your energy at the sources of this problem. Together, if we hold the manufacturers, wholesalers, doctors and pharmacies accountable, we can win this fight.

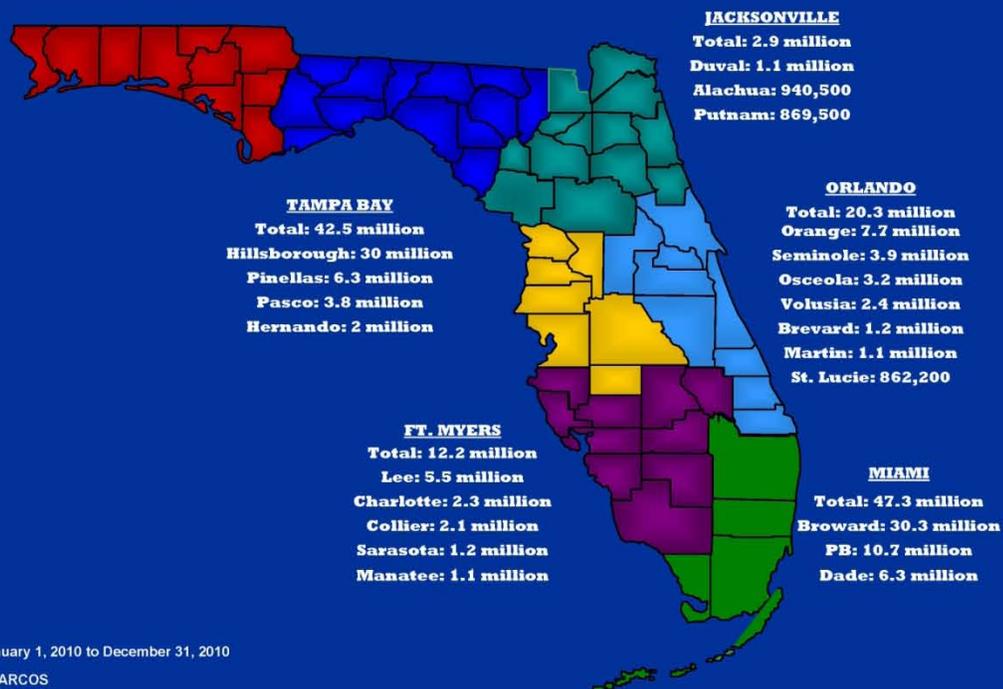
Thank you.

98 of Top 100 Doctors Dispensing Oxycodone Nationally are in Florida

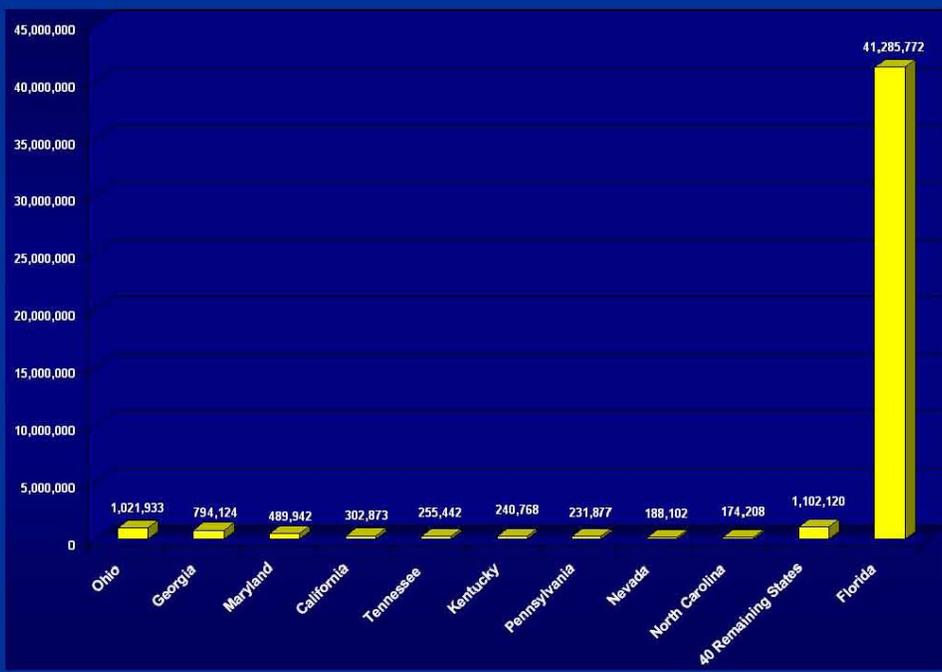


Data: January 1, 2010 to December 31, 2010
Source: ARCOS

126 million Oxycodone Pills Dispensed by the Top 100 Florida Pharmacies



Florida Dispenses Majority of Oxycodone Nationally



Data: January 1, 2010 to June 30, 2010
Source: ARCOS

