

AmerisourceBergen's Distribution Practices in Tennessee

A recent series of stories published by the Knoxville News Sentinel has painted a misleading picture of AmerisourceBergen's distribution practices in the state of Tennessee. By assuming that allegations made by Tennessee AG Slatery are true, and refraining from fact checking, this series has led to a great deal of misinformation. Below, we have separated fact from fiction:

There have been no accusations that AmerisourceBergen has shipped to non-licensed pharmacies.

- AmerisourceBergen and other wholesale drug distributors are responsible for getting FDA-approved drugs from pharmaceutical manufacturers to DEA-registered pharmacies, based on prescriptions written by licensed doctors and health care providers.
- Every pharmacy in the nation that dispenses controlled substances must maintain a DEA registration as well as a State Board of Pharmacy license. AmerisourceBergen only distributes to board-licensed and DEA-registered pharmacies.

AmerisourceBergen has cut off shipments to many customers in the state of Tennessee.

- Beyond our reporting and immediate halting of potentially suspicious orders, we refuse service to customers we deem as a diversion risk and provide daily reports to the DEA that detail the quantity, type, and the receiving pharmacy of every single order of these products that we distribute.
- It is worth calling out that a number of the pharmacies named throughout the Complaint are still licensed by the state and able to fill prescriptions today.

The Complaint fails to acknowledge that AmerisourceBergen reported thousands of orders to the DEA for Tennessee customers between 2006-2014.

Some accusations made in the filing are categorically inaccurate.

"In fact, until June 2019, Amerisource had not reported a single suspicious order from any Tennessee pharmacy to the Tennessee Board of Pharmacy."

- Along with AmerisourceBergen's daily reporting to the DEA, the company also reports suspicious orders to the State Boards of Pharmacy.
- The requirement to report to Tennessee directly only came into place in mid-2016. Between mid-2016 and June 2019, AmerisourceBergen reported numerous orders to the Tennessee Board of Pharmacy. Tennessee's own Board of Pharmacy was receiving suspicious order reports for multiple pharmacies over the three-year period.

“Both the Tennessee Drug Control Act, similar state law, and the federal Controlled Substances Act create a broad duty on the part of distributors to monitor, detect, investigate, refuse to fill, and report suspicious orders of prescription opioids... Amerisource violated this duty as set forth above.”

- The vaguely worded Controlled Substances Act remains unchanged despite repeated calls by members of industry for greater clarity. Due to the law’s dependence on subjective terms such as “suspicious,” “unusual” and “normal,” companies are left to their own devices to define a suspicious order. Despite this lack of guidance, AmerisourceBergen has always taken appropriate steps to flag, report, and halt suspicious orders in Tennessee and across the country.

Unfortunately, the false allegations made in the complaint have led to misleading reporting.

- A quote from AmerisourceBergen’s Vice President of Corporate Security and Regulatory Affairs that appears within a January 23 article is taken completely out of context by the Tennessee attorney general and is both misleading and used to draw connections that simply do not exist.
 - Mr. Zimmerman’s December 30, 2010 email referencing Tennessee’s “self-destruction” had nothing to do with prescription opioids. The late-night email instead described the last-minute interception thrown by the University of Tennessee football team in the 2010 Music City Bowl that was played on the evening the email was sent. Not surprisingly, the associate Mr. Zimmerman was communicating with, who was born in Tennessee, responded by noting “Yep! Freshman!” – referring to freshman quarterback Tyler Bray.
- When referring to AmerisourceBergen’s distribution practices with a particular TN pharmacy, the author has also made false assumptions about the profitability of this relationship, insinuating that corporate greed is at play:
 - *“AmerisourceBergen quickly relented, records show. After all, Brookside was making the opioid supplier millions.”*
 - To suggest that the Tennessee AG has access to the specific profitability of relationships AmerisourceBergen maintains with individual pharmacies is false.
- Regarding the number of AmerisourceBergen employees in the state of Tennessee, the complaint stated that we employ more than 460 associates, which was true at one point. Yet, an article that appeared on December 18 mistakenly assumes that these associates were all sales representatives.
 - In fact, over 90% of our employees in Tennessee worked at an operational facility that doesn’t have anything to do with community pharmacy distribution and did not employ any sales associates to visit retail pharmacies.