

Hospitals Can Recover Costs in the National Opioid Epidemic Litigation

Opioid Epidemic Hits Hospitals Hard

The cost of an opioid-related ICU admission rose from an average of \$58,517 to \$92,408 between 2009 and 2015. And critically ill overdose patients required renal transplant therapy 37% more often in 2015 than 2009.

More than 100 people die a day in the U.S. from opioid-related overdoses. For every opioid-related death, there are on average 10 hospital admissions for abuse, 26 emergency department visits for misuse, 108 people who are dependent on opioids, and 733 non-medical users.

In a May 2012 report, the Centers for Disease Control and Prevention (CDC) found 80 percent of adults who visited hospital emergency departments (EDs) over a 12-month period said they did so because of a lack of access to other healthcare providers.

It's Not Just Adults...

Today, an opioid-addicted baby is born in the U.S. every 19-25 minutes.

Among 28 states with publically available data as provided by the Healthcare Cost and Utilization Project between 1999-2013, the overall syndrome incidents increased 300% from 1.5 per 1,000 hospital births in 1999 to 6.0 per 1,000 hospital births in 2013.

Average hospitalization is 28 days for opioid-addicted newborns. A 2015 review of data showed costs for medical treatment while hospitalized was between \$159,000-\$238,000 per newborn. Cost of treatment rose from \$1.1 million in the first year to \$1.5 million in the second year and to \$1.8 million in the third year.

Hospital emergency departments have been drafted to the frontlines of the opioid crisis. They not only serve as the primary healthcare facilities for first responders to bring suspected cases of opioid-related overdoses, but they also serve as the primary medical treatment for persons lacking insurance and/or primary care physicians.

These patients are sicker at presentation and their expenses are rapidly increasing. However, much of this care goes unreimbursed or reimbursed well under the cost of care.

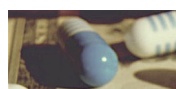
Of course, the opioid crisis has not just affected adults; indeed, some of its most vulnerable victims have been babies born with Neonatal Abstinence Syndrome. While many state Medicaid programs provide some reimbursement to hospitals for such care, the vast majority of the care remains un- or under-compensated.

Our hospital clients are concerned that funds being set aside for such future care may never find their way to the front lines. This concern is not theoretical; a recent study of the tobacco settlement fund found that only 3% of the monies distributed to states were actually used for tobacco-related healthcare and prevention. Our hospital clients believe that any monies paid by the opioid manufacturers and distributors (of which approximately \$1 billion has already been paid in settlements and fines over the last few years), should actually go toward treating those with opioid-related addiction and preventing such addiction in the first place.

Accordingly, as counsel representing hospital clients, we work together with a medical team to best shape forward-looking relief that is likely to be negotiated as part of the resolution of the national opioid-epidemic litigation and proceedings so hospital networks are compensated for past and future unreimbursed care.

The question for our hospital clients has not been whether to become involved in the opioid litigation. They already are. Every hospital in the United States has been named as a putative class member in a class action lawsuit brought by a small hospital in rural southwest Mississippi. Accordingly, the question for our hospital clients has been whether they want their own voice in these proceedings and their own seat at the table to determine the fate of their own claims and be the master of their own future.

That's how we help.



Opioid Justice Now



Opioid Justice Now

The team's lead attorneys for litigation recovery, **Phil Cramer, Kevin W. Thompson, Barry J. Cooper and Celeste Brustowicz** have represented thousands of clients and recovered billions of dollars for their clients through repeated success in high-stakes litigation. **They are the ideal litigation recovery team in this nation's opioid crisis.**



Phil Cramer, a managing partner of Sherrard Roe Voigt & Harbison, specializes

in corporate plaintiff's recovery cases and has worked on behalf of numerous Fortune 500 Companies to successfully recover hundreds of millions of dollars in direct action/opt out litigation. Prior to private practice, Phil was a trial attorney at the Department of Justice in Washington, D.C. and he has received numerous awards for this successful litigation in high profile civil rights cases.



Kevin W. Thompson is a lawyer, entrepreneur, and inventor who has been involved in high-stakes litigation across the country for more

than 20 years. Thompson served as class counsel and head of a litigation team that achieved a \$151 million settlement for the people of Charleston, WV whose water supply was tainted and economy disrupted during the Elk River Spill of 2014. He has been nominated twice for Public Justice's Trial Lawyer of the Year Award for his groundbreaking work in the public interest. Thompson's work has been featured in the Wall Street Journal, Rolling Stone Magazine, National Geographic, on ABC TV News, and in two documentaries, Coal Rush and Toxic Soup.



Barry J. Cooper, Jr. has assisted in handling hundreds of claims on behalf of plaintiffs against pharmaceutical companies in cases of product liability, as well as against drug distributors. These include the Propulsid Product Liability Litigation, wherein Mr. Cooper assisted in representing

several hundred plaintiffs against Cisapride, and the Vioxx Products Liability Litigation, which resolved 35,000 lawsuits, federal charges, and criminal and civil claims with a nearly \$6 billion settlement.



Celeste Brustowicz has 33 years experience as a practicing attorney and manages all aspects of civil litigation, including mass tort and class actions at Cooper Law Firm. Ms. Brustowicz successfully defended Orleans Parish against multiple class action suits in federal

and state courts arising from Hurricane Katrina-related flooding, and successfully defended Louisiana in the Bristol Meyers Squibb/Serzone litigation.

MEDICAL EXPERTS



Brent Bell PA-C, Ph.D has practiced medicine for 26 years in the World's Largest Medical Center in Houston, Texas. The majority of his tenure was spent at both MD Anderson Cancer Center and Houston Methodist. He graduated in 1993 as a Physician Assistant and entered practice at the beginning of the opioid crisis.

His entire career was in Oncology, where opioids played a very necessary role. Brent has published extensively and has many credits and accolades regarding his clinical research. He is highly regarded by both patients as their advocate and by physicians, many of them chairmen of their departments, for running their world-class services. Brent was one of two initial team leaders who implemented the MD Anderson Physician Assistant Residency Program in Oncology which still functions because of his efforts to this day.



Dr. Kanwaljeet "Sunny" Anand is the preeminent expert on opioid addiction in newborns and the chief of pediatrics at Stanford University. Dr. Anand was a Rhodes scholar at University of Oxford. He did a post-doctoral fellowship in Anesthesia at Harvard, Pediatrics residency training at Boston's Children's Hospital, and Critical Care Medicine fellowship training at Massachusetts General Hospital in Boston. Dr. Anand is on the executive committee at the Pediatric Pain Research Network, and has published over 260 peer reviewed articles and 47 book chapters. Dr. Anand has no ties to the pharmaceutical industry defendants, and has not accepted research funding or speaking fees from them.

Our team of renowned experts is already building a damage model that will capture the extent of the economic loss suffered by Americans, their families, businesses and communities because of the additional unrecompensed expenses and stress on resources that have come with the Opioid Crisis. Our experts are also developing proposals to bring communities the resources they need to fight the causes of the Opioid Crisis and deal with its effects.

Join us: www.opioidjusticenow.com or call 800-LAW-2999