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Idaho presses case against best-selling medication

Zyprexa's maker says the drug was not improperly marketed as alleged.

By Colleen LaMay - clamay@idahostatesman.com

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Idaho has joined a parade of states suing Eli Lilly over the pharmaceutical company's top-selling drug, an antipsychotic medicine called Zyprexa.

Idaho says Zyprexa is a costly drug that has been improperly marketed, sickening Idaho patients and taking a financial bite from the state's Medicaid health insurance program for low-income and disabled people.

The firm denied improperly marketing Zyprexa and said it issued warnings that the drugs can cause diabetes and weight gain, so these effects shouldn't have surprised Idaho officials.

All but a handful of states are involved in litigation with Eli Lilly over the drug or are talking with the company in hopes of avoiding lawsuits. Scores of individuals also are involved in cases.

So far, Alaska is the only state to settle with Eli Lilly. The state was awarded \$15 million this spring.

About 10,000 Medicaid patients in Idaho have been prescribed the drug, which retails at one Boise pharmacy for \$813 for a 30-day supply of 20 milligrams a day.

Deputy Attorney General Brett DeLange did not know Tuesday how much the drug cost taxpayers through the Medicaid program or how much Medicaid money has been spent to treat diabetes, obesity and other health problems he said are side effects of Zyprexa.

"It's not just the cost of the drug" that concerns Idaho officials, he said. "It's the effects of the drug, the long-term treatment for people who are diabetic or severely obese now."

The U.S. Food and Drug Administration has approved the drug for treatment of adults with schizophrenia and bipolar disorder. The company is seeking approval to treat the same disorders in teenagers.

The Idaho lawsuit contends Eli Lilly illegally marketed Zyprexa for "off-label" uses not approved by the FDA.

In Idaho, marketing efforts directed at doctors encouraged them to prescribe Zyprexa for "anxiety, phobic disorders, neurotic depression, affective personality disorder, sleep disorder, depression, attention deficit disorder, insomnia and separation anxiety," the lawsuit says.

"None of these indications were approved by the FDA," the lawsuit said.

It's not uncommon for doctors to write "off-label" prescriptions, but drug companies are not allowed to market their drugs for off-label uses.

Eli Lilly spokeswoman Marni Lemons said the company did not endorse Zyprexa for those conditions, but she said many mental-health conditions are difficult to treat, and doctors may try Zyprexa to help patients find relief.

"Because of the stigma of these disorders, I don't think people have any idea how widespread the use of these antipsychotics are," Lemons said.

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Eli Lilly on Friday filed court documents moving the case to federal court in Idaho. Next, Eli Lilly plans to merge the Idaho Medicaid case with similar cases in a federal court in New York, Lemons said.

That doesn't sit well with DeLange. "We will be responding and asking the judge to send it back," DeLange said.

Idaho laws were broken, and Idaho should decide the case, he said.

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