

ONE HUNDRED FIFTEENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115

Majority (202) 225-2927
Minority (202) 225-3641

March 15, 2017

Mr. Roger Goodell
Commissioner
National Football League
280 Park Avenue
New York, NY 10017

Dear Commissioner Goodell:

We are writing to request additional information regarding troubling allegations that personnel of National Football League (NFL) teams violated various federal laws governing prescription drugs, and administered powerful narcotics and pain medications without adequately disclosing the risks and side effects to their players. A recent news report indicates league officials were aware of abuses, record-keeping issues, and legal violations and were either slow to respond or even failed to comply. These allegations suggest a troubling lack of respect for the laws governing the handling of controlled substances, and raise questions about the League's dedication to the health and safety of its players.

On March 9, 2017, the *Washington Post* reported NFL teams and their doctors and trainers for decades violated various federal laws involving the use and transport of controlled substances and other prescription drugs. It further reported that NFL team doctors had overprescribed prescription drugs, including powerful anti-inflammatories and painkillers, and that NFL executives and league officials were aware of these issues but did not take action to bring teams into compliance until as late as 2015. The *Washington Post* cites sealed court documents filed in a federal lawsuit on behalf of former NFL players.¹

According to the *Post*, these documents were contained in a lawsuit filed by lawyers representing 1,800 former professional football players who are suing the 32 teams that make up the NFL. The report indicates the suit alleges the former players suffer long-term joint and organ damage due to improper drug prescribing and administration by NFL team employees, including

¹ *NFL Abuse of Painkillers and Other Drugs Described in Court Filings*, Washington Post (Mar. 9, 2017).

doctors and trainers. Citing quotes from depositions, the *Washington Post* reports that team doctors admitted to violating “one or more” federal drug laws or regulations.²

The *Washington Post* also reports that the court filing for the case indicated that NFL “teams dispensed painkillers and prescription-strength anti-inflammatories in numbers far beyond anything previously acknowledged or made public.” For example, in 2012, “the average team prescribed nearly 5,777 doses of nonsteroidal anti-inflammatory drugs and 2,213 doses of controlled medications to its players...” The report further notes that the amount of prescribing “could average out to about six to seven pain pills or injections a week per player over the course of a typical NFL season.”³

According to the *Washington Post*, overprescribed drugs include the powerful painkiller Vicodin, as well as the nonsteroidal anti-inflammatory, Toradol. For example, the *Washington Post* reports that teams would freely offer Toradol “off label” each game to numb existing injuries and in anticipation of future injuries for “more than a decade.” A 2013 survey of retired players conducted by the *Washington Post* found that “50 percent of those who retired in the 1990s or later reported using Toradol during their careers, including seven out of 10 who retired in 2000 or later.” The *Washington Post* article cites Arthur Caplan, director of the Division of Medical Ethics at New York University’s Langone Medical Center, who describes these actions as “an incredible amount of intervention with some pretty risky drugs, some of which, in the case of Vicodin, have a high addiction potential.”⁴

The *Washington Post* also reports that prescription and distribution practices involving controlled substances were sufficiently problematic to draw the attention of the Drug Enforcement Administration (DEA) over the course of several years. Reportedly, this included DEA review of the practices of several team physicians and surprise raids on NFL teams while on travel to games away from home.⁵

The *Washington Post*’s reporting paints a troubling picture of how the NFL teams prescribed and handled controlled substances and other prescription drugs, including the possibility that the team doctors and trainers violated federal laws and regulations. If true, the allegations raised by the *Washington Post*, and the underlying lawsuit referenced in the article, suggest team doctors and trainers may have engaged in unsafe medical practices.

Finally, the allegations described in the *Washington Post* are particularly troubling against the backdrop of the ongoing opioid crisis. For example, the Centers for Disease Control and Prevention (CDC) has called prescription drug abuse in the United States an epidemic. Nearly half of all U.S. opioid overdose deaths involve a prescription opioid, and more than

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

15,000 people died in 2015 from overdoses involving prescription opioids.⁶ Furthermore, a 2011 study found that out of 644 retired NFL players surveyed, 52 percent reported having used prescription pain medication while playing. Of those players, 71 percent reported having misused the drugs. Further, seven percent reported they were still using opioids in retirement, a rate that was three times higher than the general population.⁷

Given the potential significant health implications and possible impact these practices, as reported by the *Washington Post*, may have had on former and current NFL players, we request responses to the following questions, as well as a briefing:

1. The *Washington Post* reports that unlicensed trainers may have administered or dispensed prescription drugs to NFL players. Did non-physician trainers at any time administer or dispense Toradol or any controlled substance to former or current NFL players?
2. In cases in which prescription medicines were administered or dispensed, were NFL players provided with all information regarding the drug(s) they were given, including dosage amounts, possible side effects, and reasons for receiving the drug(s)? Further, in cases where a prescription drug such as Toradol, or any controlled substance such as Vicodin, was administered to an NFL player, was that player's medical history taken into account to determine the proper treatment regimen or primary physician notified and given all relevant information, including date administered and dosage amount, so the player could be monitored?
3. Did the NFL maintain records of all prescription drugs—including any controlled substances—administered or dispensed to each NFL player? If so, whose job was it to collect those records, and are they still in the NFL's possession?
4. Has Toradol ever been administered "off label" to NFL players for the purpose of masking pain, as reported by the *Washington Post*? If Toradol was used in the course of play, how frequently was it administered? Did or does the NFL keep records of all players administered Toradol, including the amounts, dates and times given?
5. If administered prior to play, it would appear that Toradol could be used to mask pain caused by physical contact that subsequently occurs during a game, according to the *Post's* report. Did any NFL players suffer a head injury while using Toradol? Did the

⁶ Centers for Disease Control and Prevention, Prescription Opioid Overdose Data (www.cdc.gov/drugoverdose/data/overdose.html) (accessed Mar. 13, 2017).

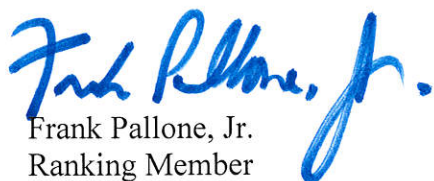
⁷ Drug and Alcohol Dependence, *Injury, Pain, and Prescription Opioid Use Among Former National Football League (NFL) Players* (Jan. 2011).

NFL keep records of any injuries, including head injuries, sustained by players while they were using Toradol?

6. According to the *Washington Post*, 28 out of 30 teams reported administering Toradol to an average of 15 players each game day as far back as 2002. As reported by the Post, in 2012, the NFL funded an NFL Physician Society task force to study Toradol and to “formulate a ‘best practice’ recommendation.” Despite the widespread usage of Toradol by almost all NFL teams in 2002, the league waited approximately a decade to take this action. What caused the NFL to fund the development of best practice recommendations in 2012?
7. Regarding the prescribing of Vicodin, does the NFL track current and former NFL players to determine if any have developed opioid dependence or addiction? If not, why not? If it does and dependence or addiction has occurred, what additional follow-up does the NFL take regarding those players?
8. The *Washington Post* suggests that NFL team physicians and trainers may have violated federal laws governing controlled substances and may have ignored guidance from the DEA regarding the transport, storage and distribution of controlled substances. For example, the *Washington Post*, citing the plaintiff’s complaint, reported that Lawrence Brown, the NFL-employed medical advisor who oversees drug issues, announced that during an audit at least “5 teams were in noncompliance with controlled substances” in a 1998 meeting of the NFL Physician Society. What DEA guidance did the NFL receive regarding the storage, transport, and distribution of controlled substances, and has the NFL followed all DEA guidance? Please also provide a list and timeline of subsequent actions taken by NFL officials in response to all DEA guidance.
9. The *Washington Post* reports “team and league officials were made aware of abuses, record-keeping problems and even violations of federal law and were either slow in responding or failed to comply.” Has the NFL and its teams followed all federal laws regarding administering and dispensing of prescription drugs? Please provide a list of violations of which league officials were aware and a list and timeline of subsequent action taken by NFL officials in response to these violations.
10. Please provide the following documents referenced in the *Washington Post* report: The September 2014 “NFL Prescription Drug Program Advisory Committee Major Findings and Recommendations,” the 78-slide DEA presentation on laws governing handling of controlled substances, minutes from the August 2010 conference call with league medical adviser Elliott Pellman, the findings of the 2012 NFL Physicians Society task force, and the 2014 survey which included responses from 27 teams on use of Toradol. Please also provide the March 2013 document cited in the *Washington Post* report regarding the Steelers doses of NSAIDs in 2012.

We appreciate your attention to this matter and would appreciate your response to these questions as soon as possible, but no later than April 25, 2017. If you have any questions, please contact Jon Monger of the minority committee staff at (202) 225-3641.

Sincerely,



Frank Pallone, Jr.
Ranking Member



Gene Green
Ranking Member
Subcommittee on Health



Diana DeGette
Ranking Member
Subcommittee on Oversight
and Investigations



Jan Schakowsky
Ranking Member
Subcommittee on Digital Commerce
and Consumer Protection