

West Virginia's Opioid Settlements

The United States is in the **midst of a crisis** on its streets and in its communities as **overdoses, homelessness, and disorder reach record levels**. Yet settlement proceeds secured by the State of West Virginia present an **unprecedented opportunity for generational investment** in treatment capacity for chronic substance abuse (CSA) and severe mental illness (SMI).

West Virginia is set to receive **nearly \$700 million** (\$683,233,659.96) in opioid settlement funds—equal to nearly half of the state's share of the monumental Tobacco Master Settlement Agreement.¹ With nineteen separate settlements and payments spread out over decades, the funds are **at risk of being squandered** through ad-hoc allocations to **diffuse and disorganized efforts**.

The state must ensure that this opportunity for treatment investment is not underutilized. **West Virginia can make targeted investments in treatment capacity** that will **honor those who suffered** in the opioid crisis and **ensure accessible care** for decades to come.

West Virginia allocates 73.5 percent of funds (\$505,787,265.39) to the West Virginia First Foundation and the remainder to subdivisions.² The 11-person Foundation is tasked with approving allocation requests submitted by the six regional sub-entities (each comprised of several counties), and allocating funds as desired toward statewide programs.³ **The Foundation should prioritize statewide investments over allocation requests by subdivisions.** The Foundation's current solicitation of applications highlights several target areas, including a \$3.9 million allocation for foster care and \$3.75 million for reentry programming.⁴ The solicitation also includes \$3.8 million for recovery housing, which is a meaningful funding initiative. **Given the authority of the Foundation to selectively target specific reforms, the Foundation is in a strong place to maximize the benefit of funds but it could better prioritize statewide treatment capacity.**

The Foundation must prioritize investments in comprehensive treatment networks. **Three priorities** (Certified Community Behavioral Health Clinics, secure psychiatric beds, and

¹ With the exception of the Publicis settlement, in which the state controls 100 percent of funds.

community SMI/CSA response) will ensure these funds have the largest impact on West Virginia.

Certified Community Behavioral Health Clinics (CCBHCs)

CCBHCs, designed to ensure access to coordinated comprehensive behavioral health care, have stable funding and are supported by all recent presidential administrations. CCBHCs are a key response to the opioid crisis and can augment other services such as police crisis response teams, homelessness outreach and services, and outpatient psychiatric commitment services.

- **Solution: Fund the development and expansion of CCBHCs.**
 - o Expand the CCBHC footprint with an emphasis on a team-based approach to co-occurring disorders.
 - o Create a stepped approach to SMI/CSA treatment with services provided by the CCBHCs.
 - o Require CCBHCs to offer specific care pathways to meet the needs of individuals with co-occurring disorders.

State Psychiatric Hospitals

Inpatient beds in secure facilities are critical for serving the highest-acuity psychiatric patients. West Virginia currently has only **12.7 state psychiatric beds** per 100,000 people available for civil (i.e., non-criminal) patients.^{5 6} Treatment Advocacy Center recommends a rate of 30-60 beds per 100,000. Counting non-public secure psychiatric beds, West Virginia barely attains the minimum recommended rate.⁷ Secure beds are a costly but necessary expenditure to protect patients with severe psychiatric disorders and the public at large.

- **Solution: Fund the expansion of civil psychiatric beds.**
 - o Invest in expanding state hospital capacity.
 - o Move forensic (criminal) commitments to a jail-based restoration facility.
 - o Apply for one of several Section 1115(a) waivers to expand Medicaid reimbursement for institutions for mental diseases (IMDs).

Inpatient Stabilization Centers and Mobile Crisis Teams

Emergency departments (EDs) are supposed to be a last resort for times of true emergencies, but are increasingly used for all types of immediate-need medical care. This is especially true for low- to medium-acuity mental health crises. In order for CCBHCs and state psychiatric bed expansions to have the largest impact, there must be an immediate triage of low-acuity patients from higher-need patients, or else investments in these facilities will be drowned out,

overburdened, and underutilized by those that need them most, just like emergency departments.

- **Solution: Fund community-based mental health response resources.**
 - Expand community-based recovery centers, including voluntary short-term respite housing, especially for young adults.
 - Leverage CCBHC resources to develop comprehensive mobile crisis response teams in conjunction with police crisis intervention teams (CIT).
 - Support integration of community resources with crisis networks such as the Lifeline to support those in need or provide guidance for concerned loved ones.

WEST VIRGINIA

[Download all West Virginia opioid settlement documents](#)

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STATE-CONTROLLED FUNDS	ALL FUNDS	2025 EOY FUNDS RECEIVED - STATE	2025 EOY FUNDS RECEIVED - ALL	Av. Receipt (All Funds) / Yr (*20)
\$505,787,265.39	\$683,233,659.96	\$294,220,591.98	\$395,387,845.81	\$34,161,683.00

2021 National Opioid Settlement

2022 National Opioid Settlement

Other Coalition Opioid Settlements

West Virginia v. Mallinckrodt

- [NOAT II Agreement](#)
- [Statewide Abatement Agreement](#)
- [Notice of Abatement Distribution](#)

West Virginia v. Publicis

- [Final Consent Judgment](#)
- State of West Virginia ex rel. Patrick Morrissey, Attorney General, v. Publicis Health, LLC, Circuit Court of Kanawha County, Case No. 19-C-9000

West Virginia v. Endo

- [Global Public Trust Agreement](#)
- [Notice of Abatement Distribution](#)

2025 National Settlements

West Virginia v. Purdue

- [missing documentation]
- State of West Virginia, ex rel. Patrick Morrissey, Attorney General v. Purdue Pharma L.P., et al., Circuit Court of Boone County, Case No. 19-C-62 [unconfirmed]

Independent Settlements

West Virginia v. McKesson

- [Order of Dismissal with Prejudice](#)
 - [Settlement Agreement and Release](#)
- State of West Virginia, ex rel. Patrick Morrissey v. McKesson Corporation, Circuit Court of Boone County, Case No. 16-C-1 (CC-03-2016-C-1)

West Virginia v. AmerisourceBergen

- [Order of Dismissal with Prejudice](#)
 - [Settlement Agreement and Release](#)
- State of West Virginia, ex rel. Darrel McGraw Jr. v. AmerisourceBergen Drug Corporation, Circuit Court of Boone County, Case No. 12-C-141 (CC-03-2012-C-141)

West Virginia v. Cardinal Health

- [Order of Dismissal with Prejudice](#)
 - [Settlement Agreement and Release](#)
- State of West Virginia, ex rel. Darrell McGraw Jr. v. Cardinal Health, Inc., Circuit Court of Boone County, Case No. 12-C-140 (CC-03-2012-C-140)

West Virginia v. Janssen

- [Consent Judgment](#)
 - Exhibit A “Janssen West Virginia State-Wide Opioid Settlement Agreement” [p. 10]
 - V. Monetary Relief and Payments [p. 17]
 - Exhibit C “Injunctive Relief” [p. 29]
 - Exhibit E “Consent Judgment” [p. 43]
 - [West Virginia First Memorandum of Understanding](#)
- State of West Virginia, ex rel. Patrick Morrissey, Attorney General, v. Janssen Pharmaceuticals, Inc., et al., Circuit Court of Kanawha County, Case No. 19-C-9000 MFR

West Virginia v. CVS

- [Consent Judgment](#)
 - Exhibit 1 “CVS West Virginia State-Wide Opioid Settlement Agreement” [p. 9]
 - III. Consideration to be Provided by CVS [p. 18]
 - [Exhibit E “West Virginia First Memorandum of Understanding”](#)
 - Exhibit F “Consent Judgment” [p. 48]
 - Exhibit H “Payment Schedule for Subsequent Payments” [p. 64]
- State of West Virginia ex rel. Patrick Morrissey, Attorney General, v. CVS Pharmacy, Inc., et al., Circuit Court of Kanawha County, Case No. 20-C-131 PNM

West Virginia v. Walgreens

- [Consent Judgment](#)
 - Exhibit A “Walgreens West Virginia State-Wide Opioid Settlement Agreement” [p. 7]
 - III. Consideration to be Provided by Walgreens [p. 14]
 - Exhibit E “West Virginia First Memorandum of Understanding” [p. 44]
 - Exhibit F “Consent Judgment” [p. 88]
 - Exhibit H “Payment Schedule” [p. 104]
- State of West Virginia ex rel. Patrick Morrissey, Attorney General, v. Walgreens Boots Alliance, Inc., et al., Circuit Court of Kanawha County, Case No. 21-C-9000 PHARM

West Virginia v. Walmart

- [Consent Judgment](#)
 - Exhibit A “Walmart West Virginia State-Wide Settlement Agreement” [p. 7]
 - III. Consideration to be Provided by Walmart [p. 15]
 - [Exhibit E “West Virginia First Memorandum of Understanding”](#)
 - Exhibit F “Consent Judgment” [p. 46]
 - Exhibit I “West Virginia Intrastate Allocation Formula” [missing documentation]
- State of West Virginia ex rel. Patrick Morrissey, Attorney General, v. Walmart Inc., f/k/a Wal-Mart Stores Inc., Circuit Court of Kanawha County, Case No. 20-C-132 PNM

West Virginia v. Allergan

- [Consent Judgment](#)
 - Exhibit A “Allergan West Virginia Statewide Opioid Settlement Agreement” [p. 11]
 - III. Consideration to be Provided by Allergan [p. 22]
 - Exhibit D “West Virginia First Memorandum of Understanding” [p. 57]
 - Exhibit E “Injunctive Relief” [p. 97]
 - Exhibit F “Consent Judgment” [p. 102]
- The State of West Virginia ex rel. Patrick Morrissey, Attorney General, v. Teva Pharmaceutical Industries, LTD, et al., Circuit Court of Kanawha County, Case No. 19-C-104 BNE

West Virginia v. Teva

- [Consent Judgment](#)
 - III. Consideration to be Provided by Teva [p. 6]
 - Exhibit A “Teva/West Virginia State-Wide Opioid Settlement Agreement” [p. 11]
 - III. Consideration to be Provided by Teva [p. 19]
 - Exhibit A “State Plan for Acceptance and Delivery of Settlement Product” [p. 36]
 - Exhibit E “West Virginia First Memorandum of Understanding” [p. 52]
 - Exhibit F “Injunctive Relief” [p. 92]
 - Exhibit G “Consent Judgment” [p. 109]
- The State of West Virginia ex rel. Patrick Morrissey, Attorney General, v. Teva Pharmaceutical Industries, LTD, et al., Circuit Court of Kanawha County, Case No. 19-C-104 BNE

West Virginia v. Kroger

- [Consent Judgment](#)
 - IV. Financial Terms [p. 3]
 - Exhibit A “Kroger West Virginia State-Wide Opioid Settlement Agreement” [p. 7]
 - III. Consideration to be Provided by Kroger [p. 14]
 - Addendum to Agreement [p. 29]
 - Exhibit E “West Virginia First Memorandum of Understanding” [p. 47]
 - Exhibit F “Consent Judgment” [p. 93]
- State of West Virginia ex rel. Patrick Morrisey, Attorney General, v. The Kroger Co., et al., Circuit Court of Kanawha County, Case No. 21-C-9000 PHARM

West Virginia v. McKinsey

- [Final Consent Judgment](#)
- State of West Virginia ex rel. Patrick Morrisey, Attorney General, v. McKinsey & Company, Inc., United States, Circuit Court of Greenbrier County, Case No. 21-C-10 (CC-13-2021-C-10)

West Virginia v. Rite Aid

- [Consent Judgment](#)
 - IV. Financial Terms [p. 3]
 - Exhibit A “Rite Aid/West Virginia State-Wide Opioid Settlement Agreement” [p. 9]
 - III. Consideration to be Provided by Rite Aid [p. 16]
- State of West Virginia ex rel. Patrick Morrisey, Attorney General, v. Rite Aid Corporation, et al., Circuit Court of Kanawha County, Case No. 21-C-9000 PHARM

West Virginia v. H.D. Smith

- [Agreed Order of Dismissal with Prejudice](#)
 - Settlement Agreement [missing documentation]ⁱⁱ
- State of West Virginia, ex rel. Patrick Morrisey, Attorney General, et al., v. AmerisourceBergen Drug Corporation, et al., Boone County Circuit Court, Case No. 12-C-141 (CC-03-2012-C-141)

West Virginia v. Miami-Luken

- [Agreed Order of Dismissal with Prejudice](#)
 - Settlement Agreement [missing documentation]ⁱⁱⁱ
- State of West Virginia, ex rel. Patrick Morrisey, Attorney General, et al., v. AmerisourceBergen Drug Corporation, et al., Boone County Circuit Court, Case No. 12-C-141 (CC-03-2012-C-141)

ⁱⁱ See West Virginia Attorney General, “Definitive Chart Showing Dramatically Lower Outside Counsel Fees Under Attorney General Patrick Morrisey,” <https://web.archive.org/web/20250725042253/https://ago.wv.gov/Documents/Definitive%20chart%20showing%20dramatically%20lower%20outside%20counsel%20fees%20under%20AG%20Morrisey.pdf>, for alleged settlement totals.

ⁱⁱⁱ Cf. ii.

West Virginia v. Anda Inc.

- [Agreed Order of Dismissal with Prejudice](#)
 - Settlement Agreement [missing documentation]^{iv}
- State of West Virginia, ex rel. Patrick Morrissey, Attorney General, et al., v. AmerisourceBergen Drug Corporation, et al., Boone County Circuit Court, Case No. 12-C-141 (CC-03-2012-C-141)

West Virginia v. The Harvard Drug Group

- [Agreed Order of Dismissal with Prejudice](#)
 - Settlement Agreement? [missing documentation]^v
- State of West Virginia, ex rel. Patrick Morrissey, Attorney General, et al., v. AmerisourceBergen Drug Corporation, et al., Boone County Circuit Court, Case No. 12-C-141 (CC-03-2012-C-141)

West Virginia v. Associated Pharmacies

- [Agreed Order of Dismissal with Prejudice](#)
 - Settlement Agreement [missing documentation]^{vi}
- State of West Virginia, ex rel. Patrick Morrissey, Attorney General, et al., v. AmerisourceBergen Drug Corporation, et al., Boone County Circuit Court, Case No. 12-C-141 (CC-03-2012-C-141)

West Virginia v. J.M. Smith Corporation

- [Agreed Order of Dismissal with Prejudice](#)
 - Settlement Agreement [missing documentation]^{vii}
- State of West Virginia, ex rel. Patrick Morrissey, Attorney General, et al., v. AmerisourceBergen Drug Corporation, et al., Boone County Circuit Court, Case No. 12-C-141 (CC-03-2012-C-141)

West Virginia v. KeySource Medical Inc.

- [Agreed Order of Dismissal with Prejudice](#)
 - Settlement Agreement [missing documentation]^{viii}
- State of West Virginia, ex rel. Patrick Morrissey, Attorney General, et al., v. AmerisourceBergen Drug Corporation, et al., Boone County Circuit Court, Case No. 12-C-141 (CC-03-2012-C-141)

^{iv} Cf. ii.

^v Cf. ii.

^{vi} Cf. ii.

^{vii} Cf. ii.

^{viii} Cf. ii.

West Virginia v. Quest Pharmaceuticals

- [Agreed Order of Dismissal with Prejudice](#)
 - Settlement Agreement [missing documentation]^{ix}
- State of West Virginia, ex rel. Patrick Morrissey, Attorney General, et al., v. AmerisourceBergen Drug Corporation, et al., Boone County Circuit Court, Case No. 12-C-141 (CC-03-2012-C-141)

West Virginia v. Top Rx

- [Agreed Order of Dismissal with Prejudice](#)
 - Settlement Agreement? [missing documentation]^x
- State of West Virginia, ex rel. Patrick Morrissey, Attorney General, et al., v. AmerisourceBergen Drug Corporation, et al., Boone County Circuit Court, Case No. 12-C-141 (CC-03-2012-C-141)

West Virginia v. Masters Pharmaceutical LLC

- [Agreed Order of Dismissal with Prejudice](#)
 - Settlement Agreement [missing documentation]^{xi}
- State of West Virginia, ex rel. Patrick Morrissey, Attorney General, et al., v. AmerisourceBergen Drug Corporation, et al., Boone County Circuit Court, Case No. 12-C-141 (CC-03-2012-C-141)

^{ix} Cf. ii.

^x Cf. ii.

^{xi} Cf. ii.

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- 1 KFF. "Actual Tobacco Settlement Payments Received by the States (in millions)." Accessed 8 September 2025. <https://www.kff.org/health-costs/state-indicator/tobacco-settlement-payments>.
 - 2 "West Virginia First Memorandum of Understanding," Section B.2. <https://drive.google.com/file/d/1SeStqOSbRxJiINXUf4RUcMEhjkEybwYf/view?usp=sharing>.
 - 3 "West Virginia First Memorandum of Understanding," Section C.11. <https://drive.google.com/file/d/1SeStqOSbRxJiINXUf4RUcMEhjkEybwYf/view?usp=sharing>.
 - 4 West Virginia First Foundation, Inc., "Momentum Initiative Grant / Request for Applications." 5 September 2025. <https://wvfirst.org/wp-content/uploads/2025/09/2025-Momentum-Initiative-Grant-RFA-Final.docx.pdf>.
 - 5 Treatment Advocacy Center, "West Virginia Psychiatric Beds Report." 2023. <https://www.tac.org/wp-content/uploads/2023/10/WestVirginiabedsinformation.pdf>.
 - 6 United States Census Bureau, "2023 American Community Survey – Total Population." [https://data.census.gov/table/ACSDT1Y2023.B01003?q=population&t=Population+Total&g=010XX00US\\$0400000](https://data.census.gov/table/ACSDT1Y2023.B01003?q=population&t=Population+Total&g=010XX00US$0400000).
 - 7 Silver, Shanti, "Estimating Psychiatric Bed Need in the United States," p. 2-4. Treatment Advocacy Center Office of Research and Public Affairs. January 2024. https://www.tac.org/wp-content/uploads/2024/03/TAC_ORPA_ResearchSummary1.24.pdf.