

# HOUSE BILL REPORT

## HB 1585

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### As Reported By House Committee On:

Health Care

**Title:** An act relating to prescription of controlled substances for intractable pain.

**Brief Description:** Providing that prescription of controlled substances for intractable pain is not unprofessional conduct.

**Sponsors:** Representatives Morris and Dyer.

### Brief History:

#### Committee Activity:

Health Care: 2/21/95, 2/28/95 [DPS].

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### HOUSE COMMITTEE ON HEALTH CARE

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Dyer, Chairman; Dellwo, Ranking Minority Member; Conway; Kessler; Morris; Sherstad and Skinner.

**Minority Report:** Do not pass. Signed by 6 members: Representatives Backlund, Vice Chairman; Hymes, Vice Chairman; Cody, Assistant Ranking Minority Member; Campbell; Casada and Crouse.

**Staff:** John Welsh (786-7133).

**Background:** An estimated 20 million patients suffer chronic pain stemming from cancer or other causes, and chronic pain is identified as one of the nation's most costly health problems.

Controlled substances such as opiates can be effective for treating chronic pain, but studies reveal that chronic pain is commonly undertreated by physicians because of the fear of addiction of patients. In addition, physicians report that the threat of disciplinary action for overprescribing acts as a deterrent to physicians treating intractable chronic pain with prescriptions for controlled substances.

There is a declaration of legislative intent that the commission develop and implement guidelines for the treatment of intractable chronic pain in accordance with recognized national standards.

**Summary of Substitute Bill:** The Department of Health will convene a study group of interested parties, including the Medical, Nursing and Dental Quality Assurance commissions and other boards governing health professions with prescriptive authority, to review and recommend uniform guidelines for prescribing controlled substances for treating patients with chronic intractable pain. The department will report its recommendations to the Legislature by December 1, 1995.

**Substitute Bill Compared to Original Bill:** The original bill contained guidelines for the prescription of controlled substances in treating patients with chronic pain. These guidelines will instead be developed by a work group of affected parties convened by the Department of Health.

**Appropriation:** None.

**Fiscal Note:** Requested on February 19, 1995.

**Effective Date of Substitute Bill:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Clear guidelines are needed to assist physicians and other prescribers in treating patients with chronic pain. These patients report an inability to obtain bona fide prescriptions of drugs because their physicians fear harassment and discrimination by regulatory boards with unwarranted concerns about potential drug abuse. The physician should be free to practice medicine consistent with state drug abuse laws and in accordance with recognized standards of practice.

**Testimony Against:** The appropriate use of controlled substances for the treatment of chronic pain is not settled among physicians, and should not be enacted into statute as envisioned by the original bill. New guidelines are expected to be published this year which should assist practitioners and patients. The Department of Health suggests that a work group of affected professions review these guidelines with the other research available to develop uniform prescriptive protocols.

**Testified:** Dr. Peter Dunbar, Washington State Medical Association; Tichfa Hoffman; Dr. Mimi Fields, Department of Health (concerns); Gary Franklin, Department of Labor & Industries (concerns); Bob Leichner, Washington State Patrol (concerns); and Mike Leigh (pro).