

**Statement of the
Federation of State Medical Boards of the United States**

**United States House of Representatives
House Energy and Commerce Committee
Subcommittee on Health**

**Submitted by James N. Thompson, M.D.
President and CEO**

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As President and Chief Executive Officer of the Federation of State Medical Boards of the United States (FSMB), I would like to submit the following testimony in support of H.R. 1020, the National Pain Care Policy Act of 2005. I also ask that the testimony be submitted as part of the record of the hearing conducted by the Subcommittee on Health titled "Improving America's Health: Examining Federal Research Efforts for Pulmonary Hypertension and Chronic Pain."

The Federation of State Medical Boards is a national non-profit association established in 1912, which serves as a collective voice for 70-member state medical licensing and disciplinary boards. Our primary mission is to improve the quality, safety, and integrity of health care by promoting high standards for physician licensure and practice, as well as supporting and assisting state medical boards in the protection of the public.

The Federation of State Medical Boards has been actively involved in educating its members on pain care issues for almost a decade. In 1998, the Federation released guidelines to assist state medical boards and other health care regulatory boards in promoting the appropriate use of controlled substances in the management of chronic cancer and non-cancer pain. These guidelines were widely distributed to state medical boards, medical professional organizations, other health care regulatory boards, patient advocacy groups, and pharmaceutical companies. The guidelines were also endorsed by the American Academy of Pain Medicine, the Drug Enforcement Administration, the American Pain Society, and the National Association of State Controlled Substances Agencies.

In 2004, the FSMB revised its original model guidelines with the adoption of its *Model Policy for the Use of Controlled Substances for the Treatment of Pain*. This new policy increased the scope of the original guidelines to address issues such as the undertreatment of pain and physician responsibilities regarding assessing and treating patients' pain and implementing measures to reduce the potential

for drug abuse and diversion. Twenty-four (24) state medical boards have adopted all or part of the *Model Policy* and *Model Guidelines* for their own policies. The National Association of State Controlled Substances Authorities (NASCSA) also formally endorsed the *Model Policy* at their annual conference in October 2004.

In 2004 and 2005 the FSMB hosted a series of regional pain workshops to promote balance and consistency in the regulatory oversight of pain care. These workshops were designed for various audiences of the medical regulatory community, including state medical and pharmacy board members, executives, attorneys, and supervising and investigating staff. The intent of the workshops was to create a regulatory environment that encourages accessible and appropriate pain care; identify any legislative or policy barriers to appropriate pain care; and gain an understanding of abuse, diversion, and appropriate regulatory responses.

Evidence suggests widespread acute and chronic pain continue to persist in the United States. The inappropriate treatment of pain may be attributed to many factors, including: (1) lack of knowledge of medical standards, current research, and clinical guidelines for appropriate pain treatment; (2) the perception that prescribing adequate amounts of controlled substances will result in unnecessary scrutiny by regulatory authorities; (3) misunderstanding of addiction and dependence; and (4) lack of understanding of regulatory policies and processes.

The Federation of State Medical Boards supports H.R. 1020 and believes that this legislation will assist in promoting the quality, access, and effectiveness of pain care by enabling the proper education and training of health care providers on pain care issues. By helping identify barriers to appropriate pain management, promoting research in pain care issues, and increasing public awareness of pain management issues, H.R. 1020 provides a major step forward in improving the quality of life of individuals suffering from pain.