

**AMERICAN MEDICAL DIRECTORS ASSOCIATION
POLICY
RESOLUTION F13**

SUBJECT: REDUCING LEGISLATIVE REQUIREMENTS FOR TREATMENT OF PAIN IN LONG-TERM CARE FACILITIES

INTRODUCED BY: FLORIDA MEDICAL DIRECTORS ASSOCIATION

INTRODUCED IN: MARCH 2013

WHEREAS, in 1998 AMDA—Dedicated to Long Term Care Medicine and its affiliate state chapters resolved to “work to reduce regulatory barriers to adequate pain control at the federal and state levels. . . .”ⁱ

AND WHEREAS, the regulatory barriers to effective pain management have expanded due to the enactment and enforcement of laws at the state and federal level intended to reduce the controlled substance abuse and prescription drug diversion crisis;ⁱⁱ

AND WHEREAS, the nursing home populace and facilities are not the source of the prescription drug diversion or abuse the prescription drug-control laws intent to remedy;

AND WHEREAS, the application of the prescription drug control regulations in nursing home facilities does not further the goals of the legislature;

AND WHEREAS, medical directors are reporting cases of pain and suffering in nursing home facilities due to delayed or ineffective pain management because of regulatory barriers;ⁱⁱⁱ

AND WHEREAS, pain and suffering in nursing home facilities due to delayed or ineffective pain management can lead to an increase in avoidable admissions and readmissions to acute care facilities;

AND WHEREAS, specifically, the state of Florida’s “Pill Mill Bill” (Florida HB 7095)^{iv}, enacted in 2011, created controlled substance prescribing requirements^v that are unnecessary regulatory burdens on physicians and the interdisciplinary team, problematic or inapplicable to the care of elderly nursing home patients, and cause delayed and ineffective pain management;^{vi}

THEREFORE BE IT RESOLVED^{vii} that AMDA—Dedicated to Long Term Care Medicine and its state affiliate chapters support and work with Congress and the Administration towards creating an exemption for physicians prescribing pain medication in nursing home facilities from controlled substance prescribing requirements⁵ such as the Florida Statute 456.44, subsection 3.

FISCAL NOTE: No Fiscal impact

RESOLUTION RESULTS:

ⁱ Am. Med. Dirs. Ass'n, H.D. Res. A98, PAIN CONTROL IN LONG TERM CARE.

ⁱⁱ *See generally* Exec. Office of the President, EPIDEMIC: RESPONDING TO AMERICA'S PRESCRIPTION DRUG ABUSE CRISIS (2011), *available at* http://www.whitehouse.gov/sites/default/files/ondcp/issues-content/prescription-drugs/rx_abuse_plan.pdf.

ⁱⁱⁱ FLORIDA MEDICAL DIRECTORS ASSOCIATION'S PHYSICIANS SURVEY (2012); Fla. Med. Dirs. Ass'n, THE IMPACT OF THE PILL MILL BILL CONTROLLED SUBSTANCE PRESCRIBING REQUIREMENTS ON THE NURSING HOME POPULACE (2012).

^{iv} Pam Bondi, Fla. Attorney Gen., FLORIDA'S PRESCRIPTION DRUG DIVERSION AND ABUSE ROADMAP 2012-2015, at 7, *available at* [http://myfloridalegal.com/webfiles.nsf/WF/KGRG-8T8L5K/\\$file/PrescriptionDrugDiversionAndAbuseRoadmap.pdf](http://myfloridalegal.com/webfiles.nsf/WF/KGRG-8T8L5K/$file/PrescriptionDrugDiversionAndAbuseRoadmap.pdf).

^v Fla. Stat. § 456.44 (3).

^{vi} *See supra* note 3.

^{vii} Directive to take action. *See* Fla. Med. Dirs. Ass'n draft bill proposal for 2013 legislative session.