

**Testimony of Gordon H. Smith on
behalf of the Maine Medical Association
in opposition to L.D. 1193, An Act to Establish Uniform Protocols for the Use of Controlled
Substances
April 9, 2009**

Senator Schneider, Representative Smith and members of the Committee on Business, Research and Economic Development, I am Gordon Smith, Executive Vice President of the Maine Medical Association which represents the interests of over 3,000 physicians, residents-in-training and medical students in the state. I congratulate Senator Mills on his advocacy on the issue of prescription drug abuse and I am truly sorry to have to oppose this bill. But because the approach codified in L.D. 1193 poses the risk of moving the delicate balance, which exists, between controlling patient pain and preventing prescription drug abuse, we oppose the bill. And moving that pendulum so far in favor of prevention that pain will be severely under-treated. The World Health Organization considers the under treatment of pain to be an epidemic. The Joint Commission requires its accredited facilities to aggressively treat a patient's pain.

The best example in the bill of this problem is Subsection A in Section 6 entitled "Minimum Standards" to restrict narcotics to 30 days for treatment of chronic pain, except by a prescriber with "specialized training and expertise in managing a patient suffering from chronic pain". This provision would severely restrict treatment options in the state, as only a handful of our physicians are board certified in pain management.

Other restrictions in the bill are appropriate on occasion and have become the standard of practice, such as limiting a patient to one prescriber and one pharmacy. But we do not believe they need to be put in statute. The current rules at the Board of Licensure in Medicine, promulgated jointly with the Osteopathic Licensing Board, which I have attached to my testimony, deal with this issue adequately.

We do not oppose the establishment of a Joint Practice Council to work on the problems identified by Senator Mills.

Thank you for the opportunity to present this testimony and I would be happy to answer any questions you may have or discuss in more detail the Association's activities in this area.