



MEMORANDUM

TO: Sallie Debolt, State Medical Board of Ohio

FROM: Sydney King, Regulatory Policy Advocate, Lt. Governor's Office

DATE: September 22, 2016

RE: **CSI Review – Drug Treatment of Intractable Pain (OAC 4731-21-01, 4731-21-02, 4731-21-03, 4731-21-04, 4731-21-05, 4731-21-06)**

On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) § 107.54, CSI has reviewed the abovementioned administrative rules and associated Business Impact Analysis (BIA). This memo represents CSI's comments to the Agency as provided for in ORC § 107.54.

Analysis

The State Medical Board of Ohio (Board) submitted a draft rule package consisting of six amended rules to the CSI Office as part of the five-year rule review requirement in Ohio statute. The rule package was submitted July 13, 2016 and the CSI public comment period closed July 28, 2016.

The rule package provides the standards of care for utilizing prescription drugs for the treatment of chronic pain. The rules detail what the evaluation of the patient should include, that the treatment plan should be documented in the patient's medical records, and the procedure if the treating provider has reason to believe the patient is suffering from addiction or drug abuse. Additionally, the rules include continuing education requirements and what constitutes a violation of Board regulations.

The Board identifies physicians and physician assistants who prescribe prescription drugs for chronic pain as the impacted business community. The review of the rule package began in 2012 but was put on hold in order for the Board to utilize resources to address the prescription drug abuse problems impacting Ohio. The review included a panel of physicians specializing in pain management, physicians specializing in addiction, and representatives of the Ohio Board of

Pharmacy, Ohio Board of Nursing, Ohio State Medical Association, Ohio Academy of Family Medicine, and the Academy of Medicine of Cleveland and Northern Ohio. In 2016, the draft language was emailed to stakeholders and reviewed by the Physician Assistant Policy Committee (“PAPC”) of the Medical Board, which is comprised of physician assistants, physicians, and a public member. No comments were received during the CSI public comment period.

The adverse impacts to physicians and physician assistants include the costs associated with obtaining previous medical documents, reviewing a patient’s medical history, documenting the treatment plan, checking the prescription monitoring system (Ohio Automated Rx Reporting System), and taking actions if there are indications that the patient may be showing signs of dependency, addiction, or abuse of the prescribed drugs. The BIA states the regulations are required by statutory law. Additional justification for the regulations is found in the public purpose, curbing Ohio’s drug epidemic. The BIA notes that opioid addicts were often first exposed to opiates through prescriptions and careful monitoring of the use of prescription drugs to treat chronic pain is necessary to prevent patients from becoming addicted.

Recommendations

For the reasons discussed above, the CSI Office does not have any recommendations for this rule package.

Conclusion

Based on the above comments, the CSI Office concludes that the State Medical Board of Ohio should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.