

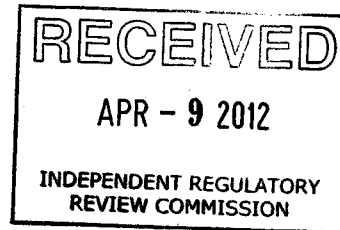
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Pennsylvania
MEDICAL SOCIETY®

April 9, 2012

Ms. Teresa Lazo, Counsel
Pennsylvania Department of State
State Board of Medicine
PO Box 2649
Harrisburg, PA 17105-2649



Email: st-medicine@state.pa.us
Reference Number 16A-4933 (Prescribing)

Dear Ms. Lazo:

On behalf of the Pennsylvania Psychiatric Society (PaPS), and the Pennsylvania Medical Society (PAMED), we provide joint comments related to the State Board of Medicine's (Board) proposed rulemaking on prescribing [42 Pa.B 1122] as published in the March 3, 2012, edition of the *Pennsylvania Bulletin*. The PaPS, a district branch of the American Psychiatric Association with nearly 1,700 physician members in the Commonwealth, represents physicians specializing in the field of psychiatry. PAMED is a statewide organization representing about 17,000 physicians, residents, and medical students.

Over the past few years, significant attention has been focused at the state, local, and federal level on the skyrocketing use of opioids, benzodiazepines, and controlled substances. Addiction to prescription medications has taken over as the leading cause of those substances most abused by individuals seeking treatment.

In particular, House Bill 1651 (Printer's Number 2830) is an important measure that, if enacted, will help avoid accidental overdoses and deaths resulting from multiple prescriptions by physicians unaware of other drugs prescribed. The database will also help to reduce the illegal use of prescription drugs and their availability to those who might abuse them or divert them for their own personal gain. Lastly, it will give those physicians and other clinicians with prescriptive authority the appropriate tools to assist them in balancing patient safety and personal autonomy. We encourage the Corbett Administration to advocate for its enactment.

We applaud the State Board of Medicine for introducing these proposed regulations as another means to tackle prescription drug abuse and diversion, through better regulation of use of internet pharmacies. Unregulated internet and out-of-state pharmacy use has been a major concern for PaPS and PAMED for a long time. While many people use internet or out-of-state pharmacies for legitimate reasons, including for cost containment, we are keenly aware of the additional problems that occur because of the unregulated nature of these entities, such as unfettered access to synthetic drugs and controlled substances that are easily abused without a valid prescription or oversight by a physician.

We agree that butalbital, carisoprodol, and tramadol hydrochlorides (or related agents) are all medications with the potential for overuse or abuse with potential fatal side effects. Other classes of medications likely to be abused include opioids, sedatives, stimulants, and any medication with addictive qualities. Physicians often collaborate with their out-of-state colleagues when treating students or other patients who have temporarily relocated. In those instances, regulation of medication may be more or less stringent in the area in which the relocation has taken place. For that reason, it is imperative that states do not initiate more stringent regulations than are approved at the federal level.

Most importantly, we agree that the Board's emphasis on ensuring that the doctor-patient relationship is paramount prior to prescribing medications must be enforced. Without personally evaluating the patient, it is hard to determine what medications are appropriate in treating physical and behavior health issues. Caution needs to be applied when imposing excessive restrictions on certain medications as those individuals using them for legitimate purposes could be further stigmatized and may delay or discontinue treatment.

We believe the enactment of this proposed rulemaking is a first step toward protecting the public from inappropriate prescribing and overprescribing by providers utilizing internet pharmacies. However, thoughtful consideration must be made to address the need to regulate internet and out-of-state pharmacies. Abuse and misuse of medications will continue until the State Board of Medicine, working with the State Board of Pharmacy, the state legislature and interested stakeholders, drafts policies and enacts laws to ensure that the playing field is level for all pharmacies dispensing medications to citizens residing in the commonwealth. We look forward to working with you to develop reasonable solutions to address this issue.

Thanks for the opportunity to present our comments on this issue. Please feel free to contact us with any questions, concerns or ways in which we can assist you moving forward.

Sincerely,

Mary Anne Delaney, MD

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PaPS President

Marilyn J. Heine, MD

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