

1 S.191

2 Introduced by Senators Miller and Mullin

3 Referred to Committee on

4 Date:

5 Subject: Health; human services; chronic pain; prescription drugs; controlled
6 substances; agency of human services; Blueprint for Health;
7 physicians; health care practitioners; continuing education

8 Statement of purpose: This bill proposes to create a commission on rational
9 treatment of chronic pain to develop training programs for health care and
10 human services professionals and to advise the governor and the general
11 assembly on matters related to the appropriate use of controlled substances in
12 treating chronic pain and to the prevention of prescription drug abuse and
13 diversion. The bill would also require health care and human services
14 professionals to receive training on these topics.

15 An act relating to rational treatment of chronic pain

16 It is hereby enacted by the General Assembly of the State of Vermont:

17 Sec. 1. 18 V.S.A. chapter 92 is amended to read:

18 CHAPTER 92. APPROPRIATE USE OF CONTROLLED SUBSTANCES

19 AND RATIONAL TREATMENT OF ~~OPIATE ADDICTION~~

20 CHRONIC PAIN

- 1 (3) the commissioner of the department for children and families or
2 designee;
- 3 (4) the commissioner of Vermont health access or designee;
- 4 (5) the commissioner of mental health or designee;
- 5 (6) the commissioner of corrections or designee;
- 6 (7) the chair of the board of medical practice or designee;
- 7 (8) the chair of the board of osteopathic physicians and surgeons or
8 designee;
- 9 (9) the chair of the board of nursing or designee;
- 10 (10) at least one faculty member from the University of Vermont's
11 College of Medicine with expertise in the treatment of addiction or chronic
12 pain, or both;
- 13 (11) a representative from the Vermont Medical Society;
- 14 (12) at least one primary care physician licensed pursuant to 26 V.S.A.
15 chapter 23;
- 16 (13) at least one physician from the northern part of the state and at least
17 one physician from the central or southern part of the state, who are licensed
18 pursuant to 26 V.S.A. chapter 23 and who are board-certified and
19 fellowship-trained in pain medicine;

1 (14) at least one psychologist licensed pursuant to 26 V.S.A. chapter 55
2 who is a diplomate of the American Academy of Pain Management and has
3 experience in treating chronic pain;

4 (15) at least one drug and alcohol abuse counselor licensed pursuant to
5 33 V.S.A. chapter 8; and

6 (16) such other interested persons as the secretary deems appropriate.

7 (b) Chair and subcommittees. The commissioner of health or designee may
8 chair the commission's meetings or may designate another member of the
9 commission as the chair. The secretary may designate subcommittees as
10 appropriate to carry out the work of the commission.

11 (c) Funding. The commission shall seek grants and other sources of
12 funding from public and private sources to support its work. The commission
13 may seek and accept funds from manufacturers of prescribed products, as
14 defined in subsection 4631a(a) of this title, provided the manufacturer supplies
15 funds to further the commission's work generally and does not attach
16 conditions to the use of the funds or use the commission's receipt or
17 acceptance of the funds to promote the manufacturer's products in any way.

18 (d) Compensation. Members of the commission who are not state
19 employees shall be entitled to per diem compensation and reimbursement of
20 expenses pursuant to 32 V.S.A. § 1010, provided that funds received pursuant

1 to subsection (c) of this section shall be applied to the extent practicable before
2 general funds are expended for this purpose.

3 § 4713. POWERS AND DUTIES

4 (a) The commission shall have the following powers and duties:

5 (1) Develop and recommend to the secretary of human services training
6 modules for Vermont's public and private health care and human services
7 providers relating to rational treatment of chronic pain, including risk
8 stratification, opioid dependence, disability, public assistance programs, and
9 potential misallocation of state resources. As applicable to the individuals
10 receiving the training, these modules may relate to:

11 (A) pharmacology, including the appropriate use of short-term and
12 long-term opiates;

13 (B) identifying the difference between addiction, pseudo-addiction,
14 drug-seeking behavior, chronic pain, physical dependence, and drug tolerance;

15 (C) the psychology of addiction behavior and the emotional impact of
16 chronic pain;

17 (D) understanding the effects of mental illness on pain;

18 (E) methods of evaluation and risk stratification;

19 (F) identifying warning signs in chronic pain treatment, including
20 aberrant behavior;

21 (G) defining success in the treatment of chronic pain patients;

1 (H) understanding medical and legal issues in opiate treatment;

2 (I) addressing physician deterrents to treatment, including the fear of
3 addicting patients, a misunderstanding of the difference between addiction and
4 dependence, and concerns about oversight and scrutiny;

5 (J) familiarity with the Federation of State Medical Boards' policies,
6 including its model policy for the use of controlled substances for the treatment
7 of pain and resources on responsible opioid prescribing;

8 (K) identifying, monitoring, and treating substance abuse in
9 Vermonters, including Vermonters who receive state or federal public
10 assistance and beneficiaries of human services programs;

11 (L) improving efforts to help certain individuals become
12 self-sufficient and transition from public assistance programs, including
13 identifying barriers to self-sufficiency; and

14 (M) appropriate use of urine toxicology screening.

15 (2) Make recommendations to the governor, secretary of human
16 services, and general assembly related to matters within the scope of the
17 commission's charge.

18 (3) Provide an annual update, which may be in the form of oral
19 testimony or a written report, to the house committees on health care and on
20 human services and the senate committee on health and welfare related to
21 matters within the scope of the commission's charge.

1 physician's assistant, nurse, osteopathic physician, naturopathic physician,
2 psychologist, drug and alcohol abuse counselor, clinical mental health
3 counselor, marriage and family therapist, or psychoanalyst to receive, at least
4 biennially, training appropriate to the applicant's field through one or more of
5 the training modules approved by the secretary of human services pursuant to
6 18 V.S.A. chapter 92, subchapter 2, on the appropriate use of controlled
7 substances in treating chronic pain and on the prevention of prescription drug
8 abuse and diversion. These rules shall take effect no later than January 1,
9 2014.

10 Sec. 6. EFFECTIVE DATE

11 This act shall take effect on passage.