

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	5 - 0 - 0
Yeas:	George G., Kruse, Monnes Anderson, Verger, Morrisette
Nays:	0
Exc.:	0
Prepared By:	Ilana Weinbaum, Administrator
Meeting Dates:	3/21

WHAT THE MEASURE DOES: Deletes the definition of “intractable pain” from statute relating to the legal use of controlled substances in the treatment of pain (ORS 677.470-677.485) and replaces all instances with “pain,” thus expanding statute to apply to the use of controlled substances in the treatment of all types of pain, including acute and chronic. Replaces “physician” with “health care professional” to expand statute to apply to all persons authorized by the state to prescribe controlled substances. Conforms language of the bill, authorizing health care professionals to prescribe and administer controlled substances in the course of treating patients for pain and providing them with immunity from disciplinary action when controlled substances are prescribed in the course of treatment of pain with the goal of controlling the patient’s pain for the duration of pain, with the exception of certain circumstances listed in statute. Removes requirement that a material risk notice be provided to and signed by patients before treatment of pain commences.

ISSUES DISCUSSED:

- Implication of limiting provisions of the bill to cases of “intractable pain”
- Uses of controlled substances in management of all types of pain
- Efforts to change culture of pain management among practitioners, patients and the general public
- Obtaining material risk notice would still be standard of care in many cases, but unfeasible to

EFFECT OF COMMITTEE AMENDMENT: Removes requirement that prior to commencing treatment of pain, healthcare professional provide and the patient sign written notice that discloses material risks associated with controlled substances to be used in the course of treatment.

BACKGROUND: In 1995, the Legislative Assembly enacted The Intractable Pain Treatment Act (IPTA) (ORS 677.470-677.585) to authorize physicians to prescribe controlled substances for the treatment of intractable pain and to protect physicians from disciplinary action for prescribing controlled substances for legitimate management of intractable pain.

The Oregon Pain Management Commission (Commission) was created by the legislature in 2001 (SB 885) to improve policy that influences pain management in the state. The Commission testified that the use of the phrase “intractable pain” restricts adequate pain management because it implies that the use of controlled substances are not part of professional practice and that the use of controlled substances should only be authorized as a last resort in pain management. A number of other states have recently removed similar language from their laws governing the use of controlled substances in recognition that the language might restrict adequate pain management.

The original IPTA applied to physicians only, but physician assistants and nurse practitioners are now authorized to prescribe controlled substances under certain circumstances and would be offered equal immunity under SB 880 for the legitimate use of controlled substances for pain management.

3/28/2007 10:25:00 AM

This summary has not been adopted or officially endorsed by action of the committee.