

New York State Academy of Family Physicians

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Memorandum in Opposition S.7660 (Hannon)/ A1124-A (Rosenthal)/ A9878 (Rosenthal)

AN ACT to amend the public health law, in relation to the prescription pain medication awareness program and providing for the repeal of such provisions upon expiration thereof

The New York State Academy of Family Physicians is opposed to this legislation.

The bill would require completion of three hours of course work developed by The State Health Department (NYSDOH) and State Education Department (SED) every two years in pain management including ISTOP, DEA requirement for controlled substances, pain management, appropriate prescribing, managing acute pain, palliative medicine, prevention/screening of addiction, responses to abuse and addiction and end of life care.

It further states that such hours shall be deemed to count toward the professional's board certification obligations and existing curricula developed by nationally recognized professional associations will be considered in the development of the course work.

Finally, under the bill NYSDOH may provide exemptions to those who request one if they can demonstrate:

- that there is no need for him or her to complete the course based on the nature, area or specialty of his or her practice; or
- that he or she has completed course work or training that is equivalent.

A report is required by NYSDOH/ SED within 3 years on the impact of the measure and any recommendations. The legislation would sunset and be deemed repealed 4 years after effective date (takes effect one year from enactment).

Our members are not opposed to continuing medical education. For Board Certification, they currently take fifty hours or more of continuing medical education related to their specific practice. In New York, physicians are required to take a one-time two hour course on child abuse and identification and reporting and an infection control and barrier precaution course every four years - the typical course runs three or four hours. This bill would add a requirement for physicians to take a three hour course every two years on pain management, addiction prevention and end of life care. We are not aware of any evidence which demonstrates the efficacy of requiring such a course every two years and a correlation with the decreased use of controlled substances.

In addition to this legislation, several bills have been introduced in the State Legislature to require continuing medical education in many different areas. Rather than having the state legislate the type of education and training which physicians should participate in to keep current and improve their practice, we believe it is essential for physicians to determine what continuing education is best to meet their needs based on type of practice, specialty area and patients that they treat.

Further, while it appears that the bill intends to have the three hour course on pain management be used toward these board certification requirements, these boards are incorporated in other states and may argue that they cannot be mandated by the State of New York to accept these credits. Also concerning is that while there are a number of courses already available to the physician community in this area on a voluntary basis they would not be recognized because they would not meet the curriculum required in the legislation. Such courses include the Risk Evaluation and Mitigation Strategy (REMS) encouraged for opioid prescribers, the Providers' Clinical Support System for Opioid Therapies, or other recognized ACCME course work on any of these topics.

On August 27, 2013, the ISTOP law was fully enacted and this requires physicians and other prescribers of Controlled Substances II, III, IV to check New York State's Prescription Monitoring Program (PMP) prior to writing a controlled substance prescription for a patient. There has been strong physician compliance with the law and it has been successful in achieving its goals. According to the New York State Department of Health, as of mid-May 2014, there has been nearly 12 million total PMP searches for 4.7 million patients by nearly 75,000 prescribers or their authorized designees. Overall, NYSDOH has seen a reduction in doctor shopping patients by 75% since ISTOP implementation.

Given the success of New York's ISTOP law and the wide variety of educational tools that prescribers are already using to educate themselves regarding the risks and benefits of various controlled medications, this legislation is unnecessary. Further, evidence is lacking the mandatory continuing education in this area would decrease controlled substance use.

For these reasons, the New York State Academy of Family Physicians urges the defeat of this legislation this session.