



PUBLIC HEALTH

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Washington Patient Safety Coalition
Trent Kelly, JD
Implementation of ESHB 2876
Chronic Pain Management Rules

The Context for this Legislation

A bill was introduced last spring as pain management prescribing was getting focused attention:

- opioid prescribing overall on the rise
- opioid deaths and overdoses on the rise
- high profile regulatory actions

What Does ESHB 2876 Require?

- Applies to five different Boards & Commissions that regulate majority of prescribers in Washington
- Requires the repeal of any existing PM rules or guidelines and adoption of new rules containing specific elements by June 30, '2011

Who Must Be Consulted?

Boards & Commissions must consult with:

- Agency Medical Director Group
- University of Washington
- Largest state professional associations for each profession.

What 2876 Does Not Cover?

The legislation expressly exempts from the rules:

- cancer related pain
- palliative, hospice, or other end-of-life care
- management of acute pain caused by an injury or a surgical procedure

What Does 2876 Require Cont.?

- **“Dosing criteria” including a dosage threshold that requires consultation with a pain management specialist before it can be exceeded**
- **Exceptions: Circumstances where this dosage amount may be exceeded without a consultation**

What Does 2876 Require Cont.?

- **Exempts a practitioner from mandatory consult if they have certain minimum training/experience**
- **Circumstances under which repeated consultations would not be necessary for a patient undergoing stable/ongoing course of treatment**

What Does 2876 Require Cont.?

- **Methods for enhancing the availability of consultations and ways in which electronic consultations may be sought**
- **Allowing efficient use of resources**
- **Minimizing burden on practitioners and patients**

What Does 2876 Require Cont.?

- **Guidance on tracking clinical progress by using assessment tools focusing on pain interference, physical function, and overall risk for poor outcome**
- **Guidance on tracking the use of opioids**

Implementation Gameplan

- Agency went to each of the five Boards & Commissions and got their commitment for collaborative representational workgroup
- Goal was to produce a single set of rules that could be brought back to individual board & commission for review and adoption via formal rulemaking

Collaborative Workgroup

- Met six times over the course of the summer
- Meetings were public and included stakeholder input both with open mic and submissions
- Several meetings were covered by TVW and are available in archives

Collaborative Workgroup

- At last meeting in October, consensus reached by workgroup on a single set of rules that will now be considered by each individual board and commission

Workgroup's Draft Pattern Rules...

Are both a proscriptive as well as suggestive and informational document:

- Met all the mandated elements of 2876
- Also included guidance on “best practices”

Where We Have To Go From Here

Each Board/Commission will:

- Review the draft pattern rules and issue CR 102
- hold public rules hearings in March/April of next year and CR 103 will be issued thereafter
- Adopt their own version of these rules by June 30 2011

The Facts About These Rules

These anticipated rules:

- are not yet final;
- Will not be “guidelines” but enforceable regulation;
- Are not the same as the AMDG guidelines;
- Will apply to seven professions regulated by five boards/commissions

Facts Continued

Neither the legislation or the anticipated rules set a dosage “limit” or “max”, only a threshold at which point second opinion must be sought unless:

- special circumstances exist, or
- prescribing practitioner is “exempt” based on education or experience

Facts Continued

- Rules may set mandatory minimum standards of practice they do not replace the general practice standards for practitioners in Washington state.
- Though the rules will be enforceable regulation, they do not replace the individual Board's or Commission's discretion to decide when/if to prosecute a practitioner for violations of the rule

Where can I go to stay abreast?

- Link to DOH pain management web page:
 - <http://www.doh.wa.gov/hsqa/Professions/PainManagement/>
- the workgroup's draft pattern rules are under "working documents"

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