



American Academy of Pain Medicine (AAPM)
4700 West Lake Avenue
Glenview, IL 60025
O: (847) 375-4731
F: (877) 734-8750
URL: www.painmed.org
E: info@painmed.org

The Honorable Michele M. Leonhart
Deputy Administrator
Drug Enforcement Administration
Washington, DC 20537

Attention: DEA Federal Register Representative/ODL

Sent Via Email To: dea.diversion.policy@usdoj.gov and
By Regular Mail (*Postmarked no later than 11/06/06*)

Regarding: Docket Number DEA-287N
Multiple Prescriptions for Schedule II Controlled Substances

Dear Ms. Leonhart:

The American Academy of Pain Medicine is pleased to respond to the Notice of proposed rulemaking published by the Drug Enforcement Administration in the Federal Register, Volume 71, September 6, 2006 (Docket No. DEA-287N).

The Academy has been quite concerned about the August 26, 2005 “Clarification Of Existing Requirements Under The Controlled Substances Act For Prescribing Schedule II Controlled Substances” (70 FR 50408. T) previously published by the DEA. Of special concern was the interpretation of statutes prohibiting refills of Schedule II pharmaceuticals as precluding the issuance of multiple prescriptions with instructions that the prescription not be filled prior to some future date.

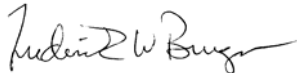
The Academy believed, and continues to believe, that this interpretation would unnecessarily lead to increased cost and inconvenience to physicians and patients, but more importantly, would have the paradoxical effect of contributing to diversion and abuse by creating an incentive for physicians to write single large prescriptions instead of multiple smaller ones. The ability to write for multiple small quantity prescriptions is a useful tool employed by many physicians to supervise and control patients with diminished ability to regulate their own intake of schedule II medications. Finally, the Academy was concerned that the tone of the “Clarification” seemed to undermine several years of collaborative effort between the DEA and the pain community directed at establishing increased trust and promoting a balance between access to opioids for those who require them and prevention of such access to others.

The current Notice is an important step in addressing these concerns, and the Academy supports the Rule. It is clear that on this issue, the concerns of the pain community have been heard and have been taken into consideration. The ability to write multiple prescriptions that, in total, provide up to 90 days of medication will enable physicians to maintain close oversight on patients who require it, and to reduce costs and inconvenience to those patients who require less supervision. Moreover, for stable patients with disabilities associated with their pain, such as millions of elderly with limited budgets, the barrier created by the requirement of monthly office visits for pain medication has been insurmountable, causing many to go without pain treatment with a subsequent deterioration of their condition and quality of life. The new Rule will restore access to appropriate pain treatment for many in this population.

The proposed rule does not, of course, address all problems. There has been a historical tension between pain practitioners, who feared sanctions from the DEA, and the DEA, which has long held that legitimate practitioners had nothing to fear. Continued dialogue between the DEA and organizations representing pain practitioners and patients with pain are an important method for improving this.

The American Academy of Pain Medicine appreciates your consideration of its views on this important proposed rule. Should you have any questions concerning these comments or if we can be of any assistance to you or your staff in any way, please contact Phil Saigh, AAPM Executive Director at (847) 375-4742 or psaigh@connect2amc.com.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Fredrick W. Burgess". The signature is fluid and cursive, with the first name "Fredrick" being the most prominent.

Fredrick W. Burgess, MD, PhD
President