

November 16, 2017

TO: CMS Board of Directors  
FR: Robert Yakely, MD, President; Alfred D. Gilchrist, CEO  
RE: CMS Last 2 Months: Activities on Opioid Crisis

Since the Annual Meeting in September and approval of the board's 2017-2018 operational plan, CMS has expended considerable resources on the public health crisis caused by opioid abuse and misuse. Activities have focused on the House-Senate interim legislative study on opioid and other substance abuse disorders, continued engagement with the Executive Branch leadership, activities of the Colorado Consortium for Prescription Drug Abuse Prevention, collaboration with other stakeholders, professional direct advocacy, a membership survey and policy and message development.

The House-Senate interim legislative committee on opioid and other substance abuse disorders met to finalize 2018 legislation to combat the opioid crisis. After more debate and a series of amendments, a total of six bills were approved and will be submitted to the Legislative Council on November 15 for review and formal approval for consideration during the 2018 legislative session. The bills present an integrated set of recommendations aimed at addressing the opioid epidemic in Colorado on multiple fronts including limiting prescriptions for opioids for acute pain and requiring PDMP checks; authorizing a supervised injection facility pilot; expanding the health care workforce by offering scholarships and loan repayment for providers like licensed addiction counselors and certified addiction counselors; adding a new Medicaid benefit for inpatient/residential substance abuse pending federal approval; requiring commercial health plans and Medicaid to cover certain medicines, reduce and standardize prior authorization request requirements for medication assisted treatment; and creating a new standing committee of the legislature to monitor and evaluate the problem over the next two years. On November 7, the CMS Prescription Drug Abuse committee carefully reviewed the bills and will be making policy recommendations to the Council on Legislation.

**November 1, 2017:** CMS elected leadership and John Hughes, MD, Chairman, Committee on Prescription Drug Abuse hosted a dinner with surgical society leaders to discuss opportunities for collaboration on the public health crisis caused by opioid abuse and misuse. Robert Valuck, PhD, RPh, Chairman, Colorado Consortium for Prescription Drug Abuse Prevention, presented the latest developments on the crisis in Colorado and focused on the consequences of over prescribing for post-surgical pain; the how and why CO-ACEP developed emergency department prescribing guidelines was presented; Susan Koontz, JD, Sr. Director of Government Relations discussed legislation that will be filed in 2018 as a result of the interim study; and, group discussion was conducted on ways surgical specialties can be even more involved in fighting the crisis. Five surgical subspecialties were represented at the meeting.

**October 31, 2017:** The House-Senate interim legislative committee on opioid and other substance abuse disorders met to finalize 2018 legislation to combat the opioid crisis. After more debate and a series of amendments, a total of six bills were approved and will be submitted to the Legislative Council on November 15 for review and formal approval for consideration during the 2018 legislative session. The bills present an integrated set of recommendations aimed at addressing the opioid epidemic in Colorado on multiple fronts including limiting prescriptions for opioids for acute pain and requiring PDMP checks; authorizing a supervised injection facility pilot; expanding the health care workforce by offering scholarships and loan repayment for providers like licensed addiction counselors and certified addiction counselors; adding a new Medicaid benefit for inpatient/residential substance abuse pending federal approval; requiring commercial health plans and Medicaid to cover certain medicines, reduce and standardize prior authorization request requirements for medication assisted treatment; and creating a new standing committee of the legislature to monitor and evaluate the problem over the next two years. The CMS PDA committee will carefully review and make recommendations on these bills to COL on November 7, 2017.

**October 26, 2017:** President Trump declares the opioid crisis a national public health emergency.

**October 23, 2017:** The House-Senate interim legislative committee on opioid and other substance abuse disorders held a hearing on six draft bills developed by various committee work groups. Donald E. Stader, III, MD, FACER, testified for CMS.

**October 20, 2017:** CMS conducted a webinar featuring Kupersmit Research's finding from a survey of CMS members designed to gain greater insights on the physician's perspective on the public health crisis caused by opioid abuse and misuse. The Committee on Prescription Drug Abuse; the board of directors, the Chairman of the Colorado Consortium for Prescription Drug Abuse Prevention, and all component and specialty society presidents and staff were invited. Hosted by CMS President Robert Yakely, MD, 30 physicians and staff participated. Subsequent to the webinar, Dr. Yakely emailed all invited participants and provided a copy of the survey results. He urged everyone to discuss the results of the survey and the gravity and changing nature of the opioid crisis with colleagues and component and specialty societies. Dr. Yakely also encourage everyone to take steps now to help end this crisis, including reviewing the 7 strategies to Achieve Safe Opioid Prescribing.

**October 19, 2017:** CMS was unexpectedly recognized for outstanding collaboration and partnership by the Chairman of Governor Hickenlooper's Colorado Consortium for Prescription Drug Abuse Prevention during the Consortium's 5<sup>th</sup> Annual Meeting held on the Colorado University School of Medicine Anschutz Campus. Over 140 organizations now constitute the Consortium's membership.

**September 29, 2017:** CMS leaders attended a morning conference sponsored by Colorado Healthcare Strategy and Management titled, “The Opioid Epidemic We Created.”

**September 11, 2017:** CMS President Robert Yakely, MD, and Committee on Prescription Drug Abuse Chair, John Hughes, MD, convened a meeting with leadership of the Colorado Pain Society (CPS). Donald E. Stader, III, MD, CMS liaison to the House-Senate interim study on opioid abuse, CMS senior staff and CMS consultant Terry Boucher also attended. The purpose of the meeting was a listening session to ensure that CMS was not missing the perspective of members who specialize in the treatment of pain. CPS leaders included Drs. Kevin Smith, Jon Clapp and John Sacha. Outcomes from the meeting included: (1) A decision by CPS to formulate their issues into a letter to the House-Senate interim legislative committee; (2) To recruit an additional physician to serve on the CMS Committee on Prescription Drug Abuse; and, (3) To provide CPS subject matter experts to the Colorado Consortium on Prescription Drug Abuse Prevention.

**September 6-25, 2017:** CMS administered an online member survey overseen by the Committee on Prescription Drug Abuse. 673 members gave a full response to the survey of a total of 5,815 CMS members emailed, giving a 12% response rate. Kupersmit Research certified the margin of error at +3.8% at the 95% confidence level. The survey results were emailed to all members who completed the survey with a note of appreciation from the CMS President. Results were posted on base camps of the Committee on Prescription Drug Abuse, the board of directors and the component medical society executives. In addition, results are being shared with the House-Senate interim committee on opioid abuse and will be published in the November-December issue of *Colorado Medicine*. Major findings include:

- A majority of CMS physicians (58%) agree the current situation in Colorado regarding prescription drug abuse is “a very serious problem, among the top public health issues we face,” while another 6% feel it is “a full-blown crisis, the #1 public health crisis we face.”
- One-third (32%) say it is “a serious problem, but not the top problem we face in public health,” and 1% say it is “not very serious.”
- Nearly two-thirds (62%) believe that this issue is a problem that is “entirely” (8%) or “mostly” (54%) a problem of ‘patient education and management,’ while just 3% feel it is “entirely” (0%) or “mostly” (3%) a ‘law enforcement problem,’ with 33% saying it is “both equally.”
- CMS physicians are most concerned with the ‘misuse, abuse and diversion’ aspect of the prescription drug abuse crisis, followed by ‘over-prescribing’ (for both legitimate pain and non-legitimate pain issues) and patients turning to ‘illegal narcotics’ if they do not have supervised treatment from a practicing physician.
- Nearly half of CMS physicians are also “extremely” or “very” concerned with patients in pain ‘being treated poorly or with suspicion’ and with physicians ‘being

unwilling to treat patients with chronic pain' to avoid being labeled a high prescriber.

- Open-ended comments suggest a complex set of factors contributing to the perception among physicians that their colleagues overprescribe, including short-term prescriptions for acute pain, as well as underfunding of non-opioid alternatives for chronic pain and others. Significant disagreement between specialties emerged in the open-ended replies on this issue.
- Comments regarding the PDMP suggest that some surgeons believe short-term prescriptions for acute pain are not relevant to long-term addiction and the opioid crisis.