

PAIN & POLICY STUDIES GROUP



WHO Collaborating Center
for Policy and Communications
in Cancer Care

October 26, 2004

The Honorable Karen Tandy
Administrator
Drug Enforcement Administration
2401 Jefferson Davis Highway
Alexandria, VA 22301

Dear Administrator Tandy,

We are members of the Principal Working Group that produced the *Frequently Asked Questions and Answers for Health Care Professionals and Law Enforcement Personnel* (FAQ) in cooperation with the DEA and many experts in pain management. Mr. Joranson received correspondence from William J. Walker on October 4, 2004, requesting him to remove the FAQ from the website of the University of Wisconsin Pain and Policy Studies Group. He removed it, on a temporary basis. Although Dr. Portenoy did not receive such a request, he too removed the FAQ from www.stoppain.org.

Our decisions to withdraw the document from our websites were made because of DEA's assertion that it contained "misstatements of law and other statements." However, we point out that numerous drafts were discussed with the DEA before the agency approved and publicly endorsed it. The answers in the FAQ (they are not guidelines) were based on the advice of experts and published information about medical management of pain and controlled substances policy. Relevant resources were listed after each question. Unfortunately, we have received no further clarification about the nature of the "misstatements," nor any indication of what the DEA proposes as the next steps to address the "misstatements."

The FAQ was intended to provide education to health care practitioners and law enforcement and regulatory personnel who are sometimes misinformed about pain management, abuse and addiction. Consequently, it is important to ask whether misstatements or misunderstandings led to the DEA's withdrawal of its support for the FAQ.

We believe it is critically important for the DEA to remain publicly committed to achieving the balanced approach to pain management and diversion, as expressed in the 2001 Joint Consensus Statement that DEA endorsed, and restated in the FAQ. Balance, according to the FAQ, means that in treating pain, health professionals should avoid contributing to diversion and drug abuse, and that enforcement efforts to control diversion must never interfere in clinical pain management. A balanced approach is not only consistent with but envisioned by federal law. There are growing concerns among health care professionals about the DEA's commitment to balance, and there are continuing concerns that people with pain are having difficulty finding health care professionals from whom to obtain needed medications.

The FAQ was a positive demonstration of the dialogue that is needed; it also gave substance to the view that clinicians and enforcement/regulatory authorities need education about pain management and controlled substances policy. The press conference releasing the FAQ was an important moment in this dialogue. The DEA's sudden withdrawal threatens to undermine several years of progress to further this

dialogue and to educate clinicians about pain treatment, risk management and the legal considerations that are associated with the prescribing of controlled substances.

Accordingly, we ask that the DEA 1) publicly reaffirm its commitment to achieving balance, 2) explain the misstatements in the FAQ so they can be addressed, 3) advise as to whether the agency plans to revive and disseminate the FAQ or a similar educational effort, and 4) tell us how the agency proposes to restart a dialogue with the clinical community that is dedicated to pain management.

We look forward to your response and to continuing work with the DEA to achieve a balanced approach to diversion and pain management.

Sincerely

A handwritten signature in black ink that reads "David Joranson". The signature is written in a cursive, flowing style.

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Cc: William J. Walker, Deputy Assistant Administrator
Patricia Good, Chief, Liaison and Policy Section
FAQ Review Committee