

State Licensing of Pain Management Clinics

HDA'S POSITION

In recent years there has been an emergence of some pain management clinics operating as “pill mills.” These types of clinics inappropriately dispense drugs that have the highest potential for abuse and diversion with little or no medical examinations. The rise in these clinics has directly contributed to the increase in prescription drug abuse across the country. The appropriate state licensing of pain management clinics is another tool for state law enforcement officials to use when coordinating investigations with federal and local authorities; HDA supports the state licensing of pain management clinics.

When developing such laws, efforts must be made to ensure that legitimate medical clinics can continue to operate and deliver necessary care to patients. HDA and its distributor-member companies have a history of working with supply chain partners and state and federal officials to develop stronger licensing requirements for distributors.

Specifically, HDA supports the following licensure requirements pain management clinics:

- Ownership by a doctor registered with the state;
- Initial inspections prior to licensure and regular annual inspections thereafter;
- A prohibition for dispensing more than a 72-hour supply for patients who pay with cash, check or credit card instead of insurance;
- Significant criminal penalties for knowingly operating, owning or managing a non-registered pain management clinic that is required to be registered with the state; and,
- Preemption of local jurisdictions from licensing pain clinics.

ISSUE

Pain management clinics operating as “pill mills” often elude law enforcement by disguising themselves as another type of clinic or office. These types of clinics also are known to open and close abruptly to avoid the authorities. While the problem has been seen across the country, evidence has shown that they are most prevalent in Florida and Texas. In Florida’s Broward County alone the County Sheriff’s Office reported in 2010 that more than one million tablets of Oxycodone, a potentially dangerous painkiller, were prescribed every month in the county. In addition, they reported that 38 of the 50 doctors who prescribe the most Oxycodone in the United States are located in Broward County.

ADDITIONAL INFORMATION

In 2010 Florida became the first state to enact legislation requiring the licensure of pain management clinics. The new law provides the Department of Health the authority to regulate pain management clinics that prescribe or dispense controlled substances. Ohio and Tennessee enacted similar legislation in 2011.

HDA is the national association representing primary healthcare distributors, the vital link between the nation’s pharmaceutical manufacturers and healthcare providers. Each business day, HDA member companies ensure that over 15 million prescription medicines and healthcare products are delivered safely and efficiently to more than 200,000 pharmacies, hospitals, long-term care facilities, clinics and others nationwide. HDA and its members work daily to provide value and achieve cost savings, an estimated \$42 billion each year to our nation’s healthcare system.