

# Senators Seek LTC Access To Pain Meds

## Residents Put On Hold By DEA Regs

Congress should consider modifying the Controlled Substances Act (CSA) in order to ease access to pain medications for patients in long term care settings, the Senate Special Committee on Aging said recently in a letter to U.S. Attorney General Eric Holder.

The Oct. 19 letter, signed by Committee Chair Herb Kohl (D-Wis.) and Sen. Sheldon Whitehouse (D-R.I.), outlines the issue and asks Holder to respond within 20 days with his views on whether regulatory changes are needed and if the pending e-prescribing rule would facilitate a more “timely and appropriate dispensing of controlled drugs to patients in long term care settings.”

The problem stems from stepped-up enforcement by the Drug Enforcement Administration (DEA) and the prescribing of Schedule II drugs. Specifically at issue is a provision of the regulation that requires pharmacists to communicate directly with a medication’s prescriber and obtain a “hard copy” of the prescription before dispensing it.

In long term care, staff nurses typically act as “agents” of the prescribing physician; instead of the physician writing and sending a prescription to the pharmacy, the nurse transcribes and transmits medication orders to the pharmacy.

“Because of the varied settings for these physicians’ practices and the high volume and variety of medications

needed...it is difficult for practitioners to respond promptly to a pharmacy’s faxes and phone calls requesting additional documentation,” the senators explain in the letter.

What’s more, according to the American Medical Directors Association, 40 percent of nursing facility physicians do not have an office practice.

Noting that advocates for long term care practitioners have attempted to gain DEA’s attention on the matter for a number of years, the letter tells Holder “it is important to understand that providers caring for the frail elderly and terminally ill coordinate care in a very different environment than providers who serve patients in

ambulatory or inpatient settings.”

“These concerns have substantial implications for the health of this most vulnerable patient group, as well as the cost of care,” the letter says.

Enclosed with the letter was draft legislation that the senators said “strikes the appropriate balance between” DEA’s desire to prevent diversion and the “urgent needs of frail long term care patients to prompt access to medically necessary prescription medications.”

At press time, the committee was scheduled to meet with the attorney general’s office for further discussion.

The Centers for Medicare & Medicaid Services also signaled its support by offering to alert state survey agencies about the issue.

—Meg LaPorte

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## New AHCA Board Of Governors Elected

The American Health Care Association (AHCA) has elected Robert Van Dyk, president and chief executive officer (CEO) of Van Dyk Health Care in Ridgewood, N.J., as its new chair. Neil Pruitt Jr., CEO of UHS-Pruitt in Gainesville, Ga., was elected vice chair, and Leonard Russ, owner/administrator of Bayberry Care Center in New Rochelle, N.Y., is the new secretary/treasurer.

In addition, four at-large members were elected: Lane Bowen, executive vice president of Kindred Healthcare, Louisville, Ky.; Orlando Bisbano Jr., administrator of Orchard View Manor Nursing & Rehabilitation Center in Providence, R.I.; Fran Kirley, president and CEO of Nexion Health in Sykesville, Md.; and Ted LeNeave, president and CEO of American Healthcare, in Roanoke, Va.

AHCA also welcomed three ex-officio board representatives: National Center for Assisted Living representative Nicolette Merino, from Oregon; Affiliated State Health Care Association Executives representative Jim Carlson, from Oregon; and Associate Business Member representative Gail Rader, from New Jersey.

Rick Miller will continue to serve on the board as immediate past chair. Wade Peterson will continue to represent the not-for-profit sector. At-large representatives Richard Mendlen, Gail Clarkson, Richard Kase, and William Levering will also continue to serve.

“These individuals will help AHCA continue to build a future focusing on the vitality of our long term care community and strengthen efforts to improve the quality of care for millions of elderly and disabled Americans nationwide,” said Bruce Yarwood, AHCA president and CEO.

—Lynn Wagner