

NATIONAL ASSOCIATION OF ATTORNEYS GENERAL
750 FIRST STREET NE SUITE 1100
WASHINGTON, D.C. 20002
(202) 326-6040
(202) 408-7014
<http://www.naag.org>

LYNNE M. ROSS
Executive Director

PRESIDENT
WILLIAM H. SORRELL
Attorney General of Vermont

PRESIDENT-ELECT
STEPHEN CARTER
Attorney General of Indiana

VICE PRESIDENT
THURBERT BAKER
Attorney General of Georgia

IMMEDIATE PAST PRESIDENT
BILL LOCKYER
Attorney General of California

January 19, 2005

Karen P. Tandy
Administrator
Drug Enforcement Administration
2401 Jefferson Davis Highway
Alexandria, VA 22301

Dear Ms. Tandy:

We, the undersigned Attorneys General, write to express our concern about recent DEA actions with respect to prescription pain medication policy and to request a joint meeting with you. Having consulted with your Agency about our respective views, we were surprised to learn that DEA has apparently shifted its policy regarding the balancing of legitimate prescription of pain medication with enforcement to prevent diversion, without consulting those of us with similar responsibilities in the states. We are concerned that state and federal policies are diverging with respect to the relative emphasis on ensuring the availability of prescription pain medications to those who need them.

Subsequent to DEA endorsement of the 2001 Joint Consensus Statement supporting balance between the treatment of pain and enforcement against diversion and abuse of prescription pain medications, the National Association of Attorneys General (NAAG) in 2003 adopted a Resolution Calling for a Balanced Approach to Promoting Pain Relief and Preventing Abuse of Pain Medications (copy attached). Both these documents reflected a consensus among law enforcement agencies, health care practitioners, and patient advocates that the prevention of drug abuse is an important societal goal that can and should be pursued without hindering proper patient care.

The *Frequently Asked Questions and Answers for Health Care Professionals and Law Enforcement Personnel* issued in 2004 appeared to be consistent with these principles, so we were surprised when they were withdrawn. The Interim Policy Statement, “Dispensing of Controlled Substances for the Treatment of Pain” which was published in the Federal Register on November 16, 2004 emphasizes enforcement, and seems likely to have a chilling effect on physicians engaged in the legitimate practice of medicine. As Attorneys General have worked to remove barriers to quality care for citizens of our states at the end of life, we have learned that adequate pain management is often difficult to obtain because many physicians fear investigations and enforcement actions if they prescribe adequate levels of opioids or have many patients with prescriptions for pain medications. We are working to address these concerns while ensuring that individuals who do divert or abuse drugs are prosecuted. There are many nuances of the interactions of medical practice, end of life concerns, definitions of abuse and addiction, and enforcement considerations that make balance difficult in practice. But we believe this balance is very important to our citizens, who deserve the best pain relief available to alleviate suffering, particularly at the end of life.

We understand that DEA issued a “Solicitation for Comments on Dispensing of Controlled Substances for the Treatment of Pain” in the Federal Register yesterday. We would like to discuss these issues with you to better understand DEA’s position with respect to the practice of medicine for those who need prescription pain medication. We hope that together we can find ways to prevent abuse and diversion without infringing on the legitimate practice of medicine or exerting a chilling effect on the willingness of physicians to treat patients who are in pain. And we hope that state and federal policies will be complementary rather than divergent.

Lynne Ross, Executive Director of NAAG, will contact you soon to arrange a meeting at a mutually agreeable time, hopefully in March when Attorneys General will be in Washington, DC to attend the March 14-16 NAAG Spring Meeting. We hope to meet with you soon.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Drew Edmondson". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Attorney General Drew Edmondson
Attorney General of Oklahoma



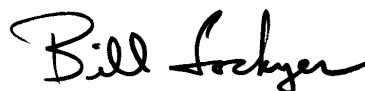
Attorney General Gregg Renkes
Attorney General of Alaska



Attorney General Terry Goddard
Attorney General of Arizona



Attorney General Mike Beebe
Attorney General of Arkansas



Attorney General Bill Lockyer
Attorney General of California



Attorney General Richard Blumenthal
Attorney General of Connecticut



Attorney General Robert Spagnoletti
Attorney General of District of Columbia



Attorney General Thurbert E. Baker
Attorney General of Georgia



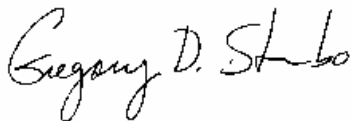
Attorney General Lisa Madigan
Attorney General of Illinois



Attorney General Tom Miller
Attorney General of Iowa



Attorney General Phill Kline
Attorney General of Kansas



Attorney General Gregory D. Stumbo
Attorney General of Kentucky



Attorney General Charles Foti
Attorney General of Louisiana



Attorney General Steven Rowe
Attorney General of Maine



Attorney General Joseph Curran Jr.
Attorney General of Maryland



Attorney General Michael A Cox
Attorney General of Michigan



Attorney General Mike Hatch
Attorney General of Minnesota



Attorney General Jeremiah Nixon
Attorney General of Missouri



Attorney General Mike McGrath
Attorney General of Montana




Attorney General Jon Bruning
Attorney General of Nebraska



Attorney General Patricia Madrid
Attorney General of New Mexico



Attorney General Wayne Stenehjem
Attorney General of North Dakota



Attorney General Hardy Myers
Attorney General of Oregon



Attorney General Roberto Sánchez Ramos
Attorney General of Puerto Rico




Attorney General Patrick C. Lynch
Attorney General of Rhode Island



Attorney General Henry McMaster
Attorney General of South Carolina



Attorney General Paul Summers
Attorney General of Tennessee



Attorney General Mark Shurtleff
Attorney General of Utah



Attorney General William Sorrell
Attorney General of Vermont



Attorney General Darrel McGraw
Attorney General of West Virginia