

FEDERAL WAR ON DRUGS
THREATENS THE EFFECTIVE
TREATMENT OF CHRONIC PAIN

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 2004

Mr. PAUL. Mr. Speaker, the publicity surrounding popular radio talk show host Rush Limbaugh's legal troubles relating to his use of the pain killer OxyContin will hopefully focus public attention on how the federal War on Drugs threatens the effective treatment of chronic pain. Prosecutors have seized Mr. Limbaugh's medical records in connection with an investigation into charges that Mr. Limbaugh violated federal drug laws. The fact that Mr. Limbaugh is a high profile, and often controversial, conservative media personality has given rise to speculation that the prosecution is politically motivated. Adding to this suspicion is the fact that individual pain patients are rarely prosecuted in this type of case.

In cases where patients are not high profile celebrities like Mr. Limbaugh, it is a pain management physician who bears the brunt of overzealous prosecutors. Faced with the failure of the War on Drugs to eliminate drug cartels and kingpins, prosecutors and police have turned their attention to pain management doctors, using federal statutes designed for the prosecution of drug kingpins to prosecute physicians for prescribing pain medicine.

Many of the cases brought against physicians are rooted in the federal Drug Enforcement Administration (DEA)'s failure to consider current medical standards regarding the use of opioids, including OxyContin, in formulating policy. Opioids are the pharmaceuticals considered most effective in relieving chronic pain. Federal law classifies most opioids as Schedule II drugs, the same classification given to cocaine and heroin, despite a growing body of opinion among the medical community that opioids should not be classified with these substances.

Furthering the problem is that patients often must consume very large amounts of opioids to obtain long-term relief. Some prescriptions may be for hundreds of pills and last only a month. A prescription this large may appear suspicious. But, according to many pain management specialists, it is medically necessary, in many cases, to prescribe such a large number of pills to effectively treat chronic pain. However, zealous prosecutors show no interest in learning the basic facts of pain management.

This harassment by law enforcement has forced some doctors to close their practices, while others have stopped prescribing opioids—even though opioids are the only way some of their patients can obtain pain relief. The current attitude toward pain physicians is exemplified by Assistant U.S. Attorney Gene Rossi's statement that "our office will try our best to root out [certain doctors] like the Taliban."

Prosecutors show no concern for how their actions will affect patients who need large amounts of opioids to control their chronic pain. For example, the prosecutor in the case of Dr. Cecil Knox of Roanoke, Virginia told all of Dr. Knox's patients to seek help in federal clinics even though none of the federal clinics would prescribe effective pain medicine.

Doctors are even being punished for the misdeeds of their patients. For example, Dr. James Graves was sentenced to more than 60 years for manslaughter because several of his patients overdosed on various combinations of pain medications and other drugs, including illegal street drugs. As a physician with over thirty years experience in private practice, I find it outrageous that a physician would be held criminally liable for a patient's misuse of medicine.

The American Association of Physicians and Surgeons (AAPS), one of the nation's leading defenders of private medical practice and medical liberty, has recently advised doctors to avoid prescribing opioids because, according to AAPS, "drug agents set medical standards." I would hope that my colleagues would agree that doctors, not federal agents, should determine medical standards.

By waging this war on pain physicians, the government is condemning patients to either live with excruciating chronic pain or seek opioids from other, less reliable, sources—such as street drug dealers. Of course, opioids bought on the street will likely pose a greater risk of damaging a patient's health than will opioids obtained from a physician.

Finally, as the Limbaugh case reveals, the prosecution of pain management physicians destroys the medical privacy of all chronic pain patients. Under the guise of prosecuting the drug war, law enforcement officials can rummage through patients' personal medical records and, as may be the case with Mr. Limbaugh, use information uncovered to settle personal or political scores. I am pleased that AAPS, along with the American Civil Liberties Union (ACLU), has joined the effort to protect Mr. Limbaugh's medical records.

Mr. Speaker, Congress should take action to rein in overzealous prosecutors and law enforcement officials and stop the harassment of legitimate pain management physicians, who are acting in good faith in prescribing opioids for relief from chronic pain. Doctors should not be prosecuted for doing what, in their best medical judgment, is in their patients' best interest. Doctors should also not be prosecuted for the misdeeds of their patients.

Finally, I wish to express my hope that Mr. Limbaugh's case will encourage his many fans and supporters to consider how their support for the federal War on Drugs is inconsistent with their support of individual liberty and Constitutional government.

RECOGNIZING LUPUS
INTERNATIONAL

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 2004

Mr. ISSA. Mr. Speaker, I rise today to recognize Lupus International for their dedication and commitment to improving the quality of life for individuals living with lupus.

Lupus is a chronic autoimmune disease that afflicts 2.8 million people in the United States. The disease affects more people than AIDS, cerebral palsy, multiple sclerosis, sickle cell anemia, and cystic fibrosis combined, yet many people have never heard of the disease. There is no known cure for lupus and there are few treatments specific to the disease.

Founded in 1983, Lupus International is a non-profit organization dedicated to raising public awareness, patient education, and supporting lupus research. For over 20 years, Lupus International has played a vital role in the battle against this destructive disease. I commend Lupus International for their service to millions of Americans suffering from lupus.

Mr. Speaker, by supporting such private efforts as Lupus International, we pay tribute to the victims suffering from this disease. We also honor those whose efforts will one day eradicate lupus as a life-threatening disease.

CONGRATULATING THE CARNEGIE
SCIENCE CENTER

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 2004

Ms. HART. Mr Speaker, I would like to take this opportunity to congratulate The Carnegie Science Center, one of four Carnegie Museums in Pittsburgh, for being named one of the three recipients of the 2003 National Awards for Museum Service, the country's highest honor for extraordinary community service provided by a museum. The Carnegie Museums empowers the residents of Western Pennsylvania with knowledge in the fields of science and technology.

The team at The Carnegie Science Center is truly committed to their surrounding communities. On January 22, 2004 it was honored in The East Room of The White House by First Lady Laura Bush for their dedication. Those present at the ceremony to receive the award were: Mareena Woodbury-Moore, a ninth grade student at Schenley High School in Pittsburgh and also a standout participant in Mission Discovery—Carnegie Science Center's outreach program. Mareena was joined by Joanna E. Haas, director of The Carnegie Science Center, and Howard J. Bruschi, Chairman of the Carnegie Science Center board of directors.

Since 1994, The Carnegie Science Center has run neighborhood programs that educate local residents, of all ages, about the advantages of technology. Their hard work and dedication has made the city of Pittsburgh a better place.

I ask my colleagues in the House of Representatives to join me in commemorating the efforts of The Carnegie Science Center to improve the quality of life in the City of Pittsburgh. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to recognize the leadership of The Carnegie Science Center.

RECOGNIZING LEON G. KERRY,
CENTRAL INTERCOLLEGIATE
ATHLETIC ASSOCIATION COMMISSIONER,
ON HIS OUTSTANDING
LEADERSHIP IN THE PROMOTION
OF COLLEGIATE ATHLETICS

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 2004

Mr. FORBES. Mr. Speaker, I rise today in recognition of Mr. Leon G. Kerry, Commissioner of the Central Intercollegiate Athletic