



Families for *Intractable* Pain Relief

Kristina D. Lawson, J.D., President
 William Prasifka, Executive Director
 Board Members
 Medical Board of California
 2005 Evergreen St., Suite 1200
 Sacramento, CA 95815

January 04, 2020

Dear Ms. Lawson and Mr. Prasifka,

The attached MedPage Today article, *California Medical Board to Revise Dreaded Death Certificate Project*, is a clear condemnation of the approach you have taken to regulating pain care in recent years. We, the undersigned, are victims of your policies. Your Death Certificate Project has wreaked havoc for pain physicians, their patients, and the families of those patients. You should abolish the program, not remodel it. You need to start over, regroup, and refresh your thinking on the issues involved with treatment of chronic and intractable pain. More lives are at stake.

Through your project, you have attacked many prominent, respected physicians, publicly shaming them as careless prescribers and threatening any doctors who had ever prescribed opioid pain medications for someone who ultimately died. This “witch hunt” has caused many deaths and much suffering. The impact on doctors has been so awful in terms of stress and legal fees that almost all doctors have stopped prescribing opioids. Many stopped abruptly, leaving their patients without medications or referrals to other physicians. Why aren’t you going after doctors for patient abandonment instead of encouraging such behavior? Now you are seeing the “unintended consequences” of your actions. We fail to understand why you are surprised by the near-doubling of overdose deaths in 2019. We are not surprised at all.

We cannot comprehend how or why you could have targeted a leading, well-known expert like Dr. Forest Tennant. Dr. Tennant ran his intractable pain clinic in West Covina as a charitable undertaking, keeping costs low for patients by personally subsidizing its operations. Having achieved financial success through his real estate business in Kansas, Dr. Tennant and his office manager and wife, Miriam Tennant, wanted to give back. They chose to do so by helping persons suffering from incurable severe, constant pain. Throughout the years he ran his intractable pain clinic, Dr. Tennant had no overdose deaths among his patients. He only accepted patients who had failed all other pain treatments, and was known throughout the country and the world as the doctor of last resort for persons suffering from constant, severe intractable pain. Along the way, his clinical experience and the knowledge gained led him to develop the concept of what we now call the Intractable Pain Syndrome (IPS). Untreated and undertreated constant pain kills people. Premature death can and does occur due to the cardiovascular and endocrine dysfunction caused by inadequately treated intractable pain. The attached paper, *How to Explain IPS to Your Family, Doctor, And Friends*, explains what happens to patients whose constant, severe pain goes untreated.

When you consider how many California physicians have left the practice of pain care, only a small percentage of the patients harmed have managed to continue to receive pain care at all. Most have not found any pain care, and are suffering agonizing lives for no reason. A few patients we knew have committed suicide because they did not find adequate care and were unable to live with the agony of untreated severe, constant intractable pain. Suffering terribly and in desperation, some pain patients have turned to the streets to find relief and overdosed on illicit fentanyl disguised as

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prescription medications. Your increase in overdose deaths includes those who died from impacts of untreated pain, those who gave up and committed suicide, and those who succumbed to street drugs taken in desperation.

By shaming leading physicians like Dr. Forest Tennant, you have also “shamed” their patients, tarnishing their reputations without cause and making it impossible to find doctors in California or other states who would accept them and pharmacies that would fill their prescriptions. In the case of Dr. Tennant, your actions have been directly responsible for denying pain care to severely ill patients who had the best available care for their conditions. Your Death Certificate Project contributed greatly to the loss of qualified pain physicians and the ongoing suffering of hundreds of thousands, perhaps millions, of chronic and intractable pain patients, not just in California but throughout the country. You have wiped out the doctors who knew how to care for us. We have nowhere to go due to your policies.

What are you going to do about this? Your actions have brought about avoidable suffering and deaths, and yet overzealous scrutiny of doctors seems likely to continue. Look what you have done! Your mission is to “protect health care consumers... and to promote access to quality medical care...” For patients with severe constant intractable pain, you have failed to accomplish your mission and we believe you have an obligation to correct this situation. California’s Pain Patient’s Bill of Rights (Section 124960-124961 of the Health and Safety Code) and the California Intractable Pain Treatment Act (Section 2241.5 of the Business and Professions Code) remain in effect and provide broad authority for physicians to treat intractable pain with opioid pain medications. Why are they not being followed?

Our country is on the verge of losing an entire body of clinical knowledge amassed over decades regarding the treatment of intractable pain. Your project and similar efforts have driven almost all knowledgeable pain physicians out of practice, leaving only the physicians who perform interventions and procedures, but lack the knowledge required to treat the pain and manage the cardiovascular and endocrine complexities of IPS. The California Board of Medicine must acknowledge and accept that the present de facto standard of care as established in the 2016 CDC Guideline cannot be applied to the treatment of intractable pain. Medical management of intractable pain must again be allowed, following the World Health Organization (WHO) 3-Step Analgesic Ladder as the applicable standard of care.

Please take action now to enable the resumption of medically managed care for intractable pain patients. We would welcome the opportunity to advise you further on the needs of these patients. We look forward to your prompt response. Time is short for many who are suffering.

Sincerely,

/ Kristen D. Ogden /

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