

Wisconsin Medical Society: Physician groups express concerns over recent DOJ letters

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Madison, Wis. — Two major Wisconsin physician groups – the Wisconsin Medical Society (Society) and the Wisconsin Society of Addiction Medicine (WISAM) – are raising concerns that a recent letter sent by the U.S. Department of Justice (DOJ) could have negative unintended consequences for patients trying to receive medically necessary treatment.

The letters were sent February 4 to more than 180 Wisconsin physicians, physician assistants and nurse practitioners who are “prescribing opioids at relatively high levels compared to other prescribers,” but did not specify if those comparisons reflected different types of patient populations that exist – a critical variable considering that some clinicians spend the bulk of their practices treating patients who experience pain or who are being weaned off addictive drugs, including opioids.

“We’re very concerned that these letters will alarm prescribers to the point that they may get out of the pain treatment arena altogether,” said Society President Molli Rolli, MD. “For years, Wisconsin’s physicians, elected officials and law enforcement leaders have collaborated to find the best ways to combat the opioids

crisis; these letters seem to pivot into an area where physicians are threatened with criminal sanctions even if the treatment provided is medically appropriate.”

The DOJ letter admits that those receiving the letter haven't been accused of any criminal wrongdoing: “Your prescriptions may be medically appropriate, and we have made no determination that you are violating the law.”

However, WISAM President Matthew Felgus, MD, said, “You have to get pretty deep into the letter to see that disclaimer. So essentially the letter is saying ‘you're not doing anything illegal, but we're watching you’ – that's a very new law enforcement attitude compared to what we've seen over the last several years, so it's quite troubling.”

A recent report from the state's Prescription Drug Monitoring Program (PDMP) shows that the total number of opioids and other monitored prescription drugs dispensed in Wisconsin has decreased 29 percent between 2015 and 2018 – a drop of almost 1.5 million prescriptions.

“We're making progress in reducing the amount of opioids being prescribed; at the same time, it's important to remember that it's already very difficult for some patients in Wisconsin to get quick access to legitimately needed care,” said Dr. Felgus. “Prescribers receiving this letter may think twice about continuing to see patients who have pain treatment needs – and those patients risk turning to street drugs when they can't see a physician who is trying to wean them off opioids altogether.”

Both Dr. Felgus and Dr. Rolli emphasized that physicians are grateful for law enforcement efforts to help combat the opioid epidemic and suggested that the state's Medical Examining Board—made up of 10 physicians and three public members—is best-suited to determine if a physician should face sanctions for providing inappropriate care.

“We hope to continue to collaborate with law enforcement on efforts like Wisconsin's Dose of Reality initiative and drug take-back days, which have resulted in literally tons of unused

prescription drugs being turned in to law enforcement offices for destruction, and that what appears to be a more punitive stance in the DOJ letter is an anomaly rather than a new standard,” said Dr. Rolli.