



# Business & Professions Code Section 2242



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## Business & Professions Code § 2242 (2018)

(a) Prescribing, dispensing, or furnishing dangerous drugs ... without an appropriate prior examination and a medical indication, constitutes unprofessional conduct.



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Business & Professions Code § 2242 (2020)

(a) Prescribing, dispensing, or furnishing dangerous drugs ... without an appropriate prior examination and a medical indication, constitutes unprofessional conduct. An appropriate prior examination does not require a synchronous interaction between the patient and the licensee and can be achieved through the use of telehealth, including, but not limited to, a self-screening tool or a questionnaire, provided that the licensee complies with the appropriate standard of care.



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Epidemiology of the Opioid Crisis



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## The Price of Opioid Dependence



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## American Deaths from Opioid Overdoses

- ❖ Drug overdoses are the leading cause of death for Americans under age 50
- ❖ Overdoses result in 174 deaths per day or one every 8 ½ minutes
- ❖ In 2016, 42,000 Americans died of drug overdoses, a 28% increase over 2015
- ❖ Death rates from drugs are rising faster than ever



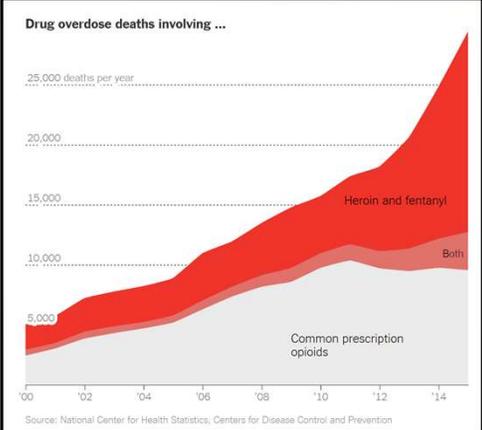
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## American Deaths from Opioid Overdoses

**From 2015 to 2016:**

- ❖ Deaths from opioids (e.g., hydrocodone, oxycodone) were up 14%
- ❖ Deaths from heroin were up nearly 20%
- ❖ Deaths from synthetic opioids were up over 200%
- ❖ 65,000 Americans will die over the next decade – more than the entire city of Baltimore – if nothing is done



Source: National Center for Health Statistics, Centers for Disease Control and Prevention



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## January 14, 2020

**The Washington Post**  
*Democracy Dies in Darkness*

**More than 100 billion pain pills saturated the nation over nine years**



From 2006 through 2014, more than 100 billion doses of oxycodone and hydrocodone were distributed nationwide, according to federal drug data. (John Moore/Getty Images)

By Steven Rich, Scott Higham and Sari Horwitz

Jan. 14, 2020 at 4:13 p.m. PST

Newly disclosed federal drug data shows that more than 100 billion doses of oxycodone and hydrocodone were shipped nationwide from 2006 through 2014 – 24 billion more doses of the highly addictive pain pills than previously known to the public.



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## Pain Recognized as Under-Treated in 1980s

- ❖ 1980s: Pain identified as undertreated
- ❖ **“Only four cases of addiction among 11,882 patients treated with opioids.”**
  - ❖ Porter, J, Jick H. Addiction rare in patients treated with narcotics. N Engl J Med. 1980 Jan 10;302(2):123
  - ❖ Cited 1120 times (Google Scholar)



The New England  
Journal of Medicine



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## Societies Advocated Increased Use of Pain Medications

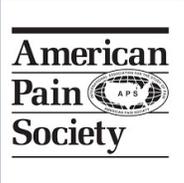
Increased use of pain medication was endorsed by:

- American Geriatric Society
- American Academy of Pain Medicine
- American Pain Society
- American Pain Society

Public began to believe that they should be “pain free”

Doctors started to prescribe more opioids for chronic pain







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## Opioids Aggressively Marketed for Pain Management

- ❖ 1984: MS Contin approved for terminal cancer pain
- ❖ 1990: OxyContin approved for terminal cancer pain
- ❖ 1996: OxyContin approved for non-cancer pain
- ❖ Purdue aggressively marketed OxyContin with a misleading message about safety and efficacy
  - “Pain is undertreated”
  - “Under 1% addicting”






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## The Joint Commission Standards (2001)

Effective January 1, 2001:

- ❖ Hospitals must have a process to address pain assessment when needed
- ❖ Hospitals must have a process treat patient pain or refer patients for pain treatment
- ❖ Hospitals must have a process for the clinician to reassess and respond to a patient’s pain based on reassessment criteria





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## TJC Made Pain the 5<sup>th</sup> Vital Sign

- ❖ 2001: Joint Commission issued pain standards
  - ✓ Pain became 5<sup>th</sup> vital sign
  - ✓ 0 to 10 scale
- ❖ Physicians needed to address any pain over zero
- ❖ 2000s: Patient satisfaction surveys:
  - ✓ “Did the provider adequately control your pain?”
  - ✓ Provider compensation affected by patient satisfaction surveys
- ❖ 2016: Patient satisfaction became a hospital Core Measure (\$\$)

Pain Is the 5<sup>th</sup> Vital Sign

Respiration

Pulse

Blood pressure

Temperature



Pain



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## Americans consume more opioids than any other country

- ❖ Between 1999 and 2015 opioid prescription rate tripled
- ❖ Nearly a quarter of a billion of opioid prescriptions were written in 2013
- ❖ Enough for every American to have their own bottle of pills
- ❖ U.S. has 5% of world’s population and uses 80% of world’s prescribed opiates
- ❖ Most common prescriptions are: methadone, oxycodone, hydrocodone

Americans consume more opioids than any other country

Standard daily opioid dose for every 1 million people

| Country       | Standard daily opioid dose for every 1 million people |
|---------------|---|
| United States | ~35,000   |
| Canada        | ~25,000   |
| Germany       | ~22,000   |
| Denmark       | ~20,000   |
| Belgium       | ~18,000   |
| Austria       | ~17,000   |
| Switzerland   | ~16,000   |
| Australia     | ~15,000   |
| Holland       | ~14,000   |
| Spain         | ~13,000   |
| Luxembourg    | ~12,000   |
| Norway        | ~11,000   |
| Great Britain | ~10,000   |
| Ireland       | ~9,000  |
| New Zealand   | ~8,000  |
| Sweden        | ~7,000  |
| Iceland       | ~6,000  |
| Israel        | ~5,000  |
| France        | ~4,000  |
| Slovenia      | ~3,000  |
| Portugal      | ~2,000  |
| Finland       | ~1,500  |
| Italy         | ~1,000  |
| Mauritius     | ~500  |
| Greece        | ~500  |

Source: United Nations International Narcotics Control Board  
Credit: Sarah Frostenson



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## Who Prescribes All of These Opioids?



- ❖ In decreasing order of total volume:
  - Primary care providers (over 50%)
  - Orthopedists
  - Psychiatrists
  - Pain specialists
  - Emergency medicine physicians
  - General surgeons
  - Neurologists
  - Dentists

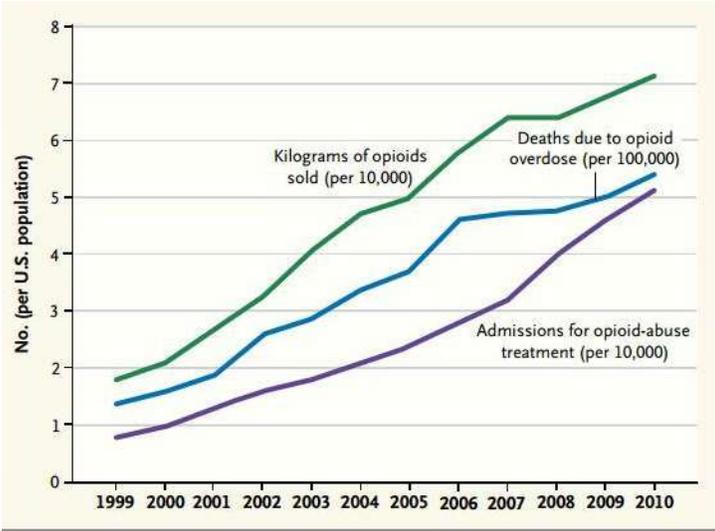




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### OPIOID PRESCRIPTION SALES & DEATHS DUE TO OPIOIDS 1999-2010

- ❖ Chronic opioid therapy causes:
  - ❖ Hyperalgesia
  - ❖ Need for increasing doses more frequently
- ❖ Patients start “doctor shopping” or buying opioids illegally
- ❖ Need for increased amounts of opioids leads to increased rate of death



| Year | Kilograms of opioids sold | Deaths due to opioid overdose | Admissions for opioid-abuse treatment |
|------|---------------------------|-------------------------------|---------------------------------------|
| 1999 | 1.8                       | 1.4                           | 0.8                                   |
| 2000 | 2.1                       | 1.6                           | 1.0                                   |
| 2001 | 2.5                       | 1.9                           | 1.2                                   |
| 2002 | 3.2                       | 2.6                           | 1.5                                   |
| 2003 | 3.8                       | 3.0                           | 1.8                                   |
| 2004 | 4.5                       | 3.4                           | 2.1                                   |
| 2005 | 5.0                       | 3.7                           | 2.4                                   |
| 2006 | 5.8                       | 4.6                           | 2.8                                   |
| 2007 | 6.5                       | 4.7                           | 3.2                                   |
| 2008 | 6.4                       | 4.8                           | 3.8                                   |
| 2009 | 6.8                       | 5.1                           | 4.2                                   |
| 2010 | 7.2                       | 5.4                           | 4.6                                   |



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## Heroin Made the Opioid Death Rate Worse



- ❖ In response to high demand for opioids, heroin began to flood into the US
- ❖ Supply was limited by the need for fields to grow, time for growth of the crop, labor to harvest crop, & weather conditions



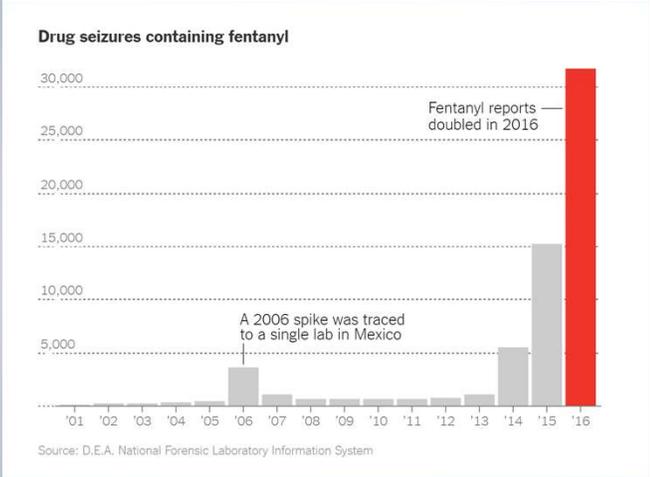



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## FENTANYL MADE THE OPIOID DEATH RATE MUCH WORSE

- ❖ Starting in 2014, fentanyl began to enter the drug market in the U.S.
- ❖ Advantage over heroin: synthesized so does not depend on weather conditions
- ❖ More potent so smaller quantities needed
- ❖ Fine-grain powder can be used to produce counterfeit prescription drugs or made to look like heroin
- ❖ Easier to obtain and more profitable to sell

### Drug seizures containing fentanyl



| Year | Seizures |
|------|----------|
| '01  | 0        |
| '02  | 0        |
| '03  | 0        |
| '04  | 0        |
| '05  | 0        |
| '06  | ~3,000   |
| '07  | ~1,000   |
| '08  | ~1,000   |
| '09  | ~1,000   |
| '10  | ~1,000   |
| '11  | ~1,000   |
| '12  | ~1,000   |
| '13  | ~1,000   |
| '14  | ~5,000   |
| '15  | ~14,000  |
| '16  | ~30,000  |

Source: D.E.A. National Forensic Laboratory Information System



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## Two milligrams Fentanyl

A lethal dose in most people



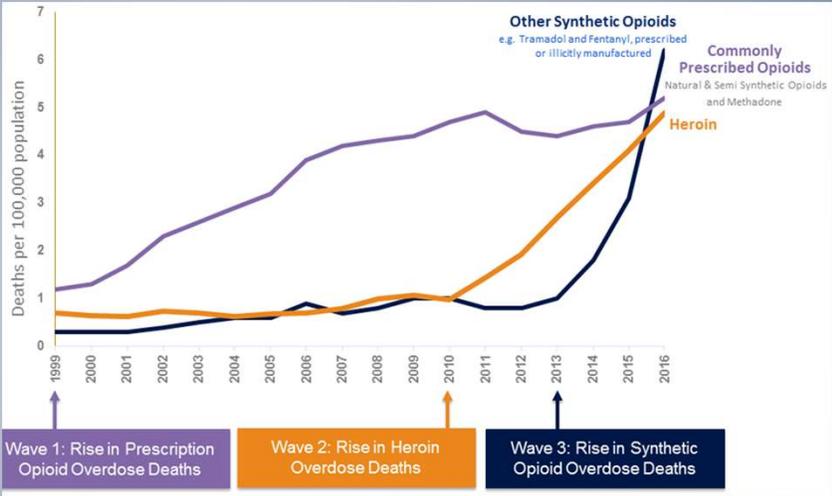


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### THREE WAVES OF OPIOID OVERDOSE DEATHS IN U.S.

- ❖ Wave One  
Rise in prescription opioid overdose deaths
- ❖ Wave Two  
Rise in heroin overdose deaths
- ❖ Wave Three  
Rise in synthetic opioid overdose deaths

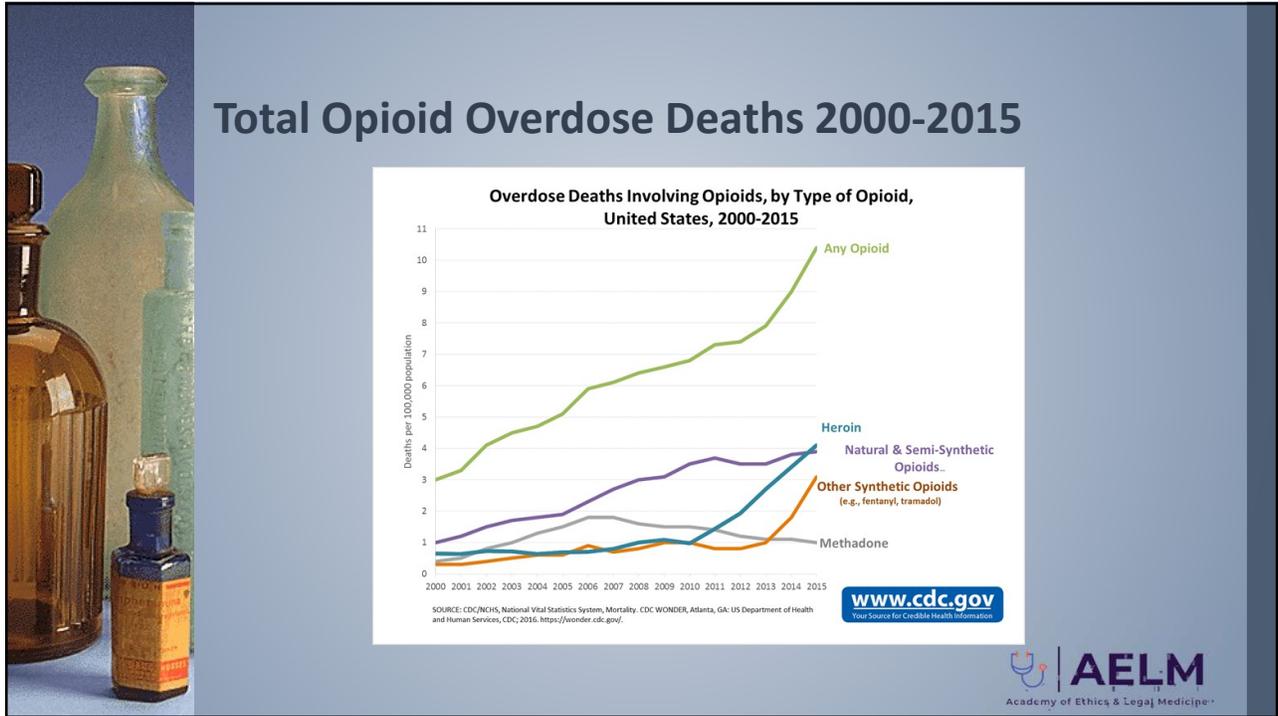


| Year | Commonly Prescribed Opioids | Heroin | Other Synthetic Opioids |
|------|-----------------------------|--------|-------------------------|
| 1999 | 0.5                         | 0.2    | 0.1                     |
| 2000 | 0.8                         | 0.2    | 0.1                     |
| 2001 | 1.2                         | 0.2    | 0.1                     |
| 2002 | 1.8                         | 0.2    | 0.1                     |
| 2003 | 2.2                         | 0.2    | 0.1                     |
| 2004 | 2.5                         | 0.2    | 0.1                     |
| 2005 | 2.8                         | 0.2    | 0.1                     |
| 2006 | 3.2                         | 0.2    | 0.1                     |
| 2007 | 3.5                         | 0.2    | 0.1                     |
| 2008 | 3.8                         | 0.2    | 0.1                     |
| 2009 | 4.0                         | 0.2    | 0.1                     |
| 2010 | 4.2                         | 0.2    | 0.1                     |
| 2011 | 4.5                         | 0.2    | 0.1                     |
| 2012 | 4.5                         | 0.2    | 0.1                     |
| 2013 | 4.5                         | 0.2    | 0.1                     |
| 2014 | 4.5                         | 0.2    | 0.1                     |
| 2015 | 4.5                         | 0.2    | 0.1                     |
| 2016 | 4.5                         | 0.2    | 0.1                     |



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## Teenagers & Opioids

- ❖ Every day, 2,500 American children ages 12-17 abuse a prescription pain pill for the first time
- ❖ 1 in 20 high school students has taken Vicodin
- ❖ 1 in 30 have taken Oxycontin
- ❖ Most of them get pills from friend or relative

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## Women & Opioids

- ❖ Prescription Opioid Overdoses killed 5 times more women in 2010 than in 1999
- ❖ More than 6600 women died from prescription opioid overdoses in 2010 (18 per day)
- ❖ Every three minutes, a woman goes to the ED for prescription opioid abuse (or misuse)





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### OPIOIDS #1 CAUSE OF DEATH IN U.S. AGES 15 TO 50

|                              |        |
|------------------------------|--------|
| Gun deaths (peak year 1993)  | 39,000 |
| MVA deaths in 2016           | 40,000 |
| HIV deaths (peak year 1995)  | 47,000 |
| Vietnam total deaths '65-'75 | 58,000 |
| Drug Overdoses in 2016       | 64,000 |

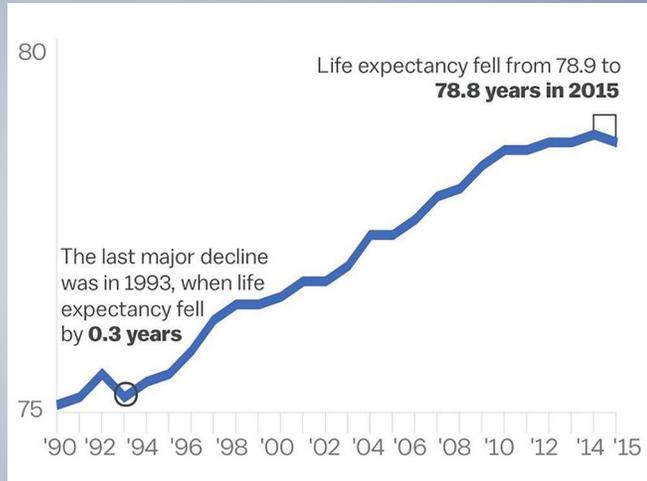




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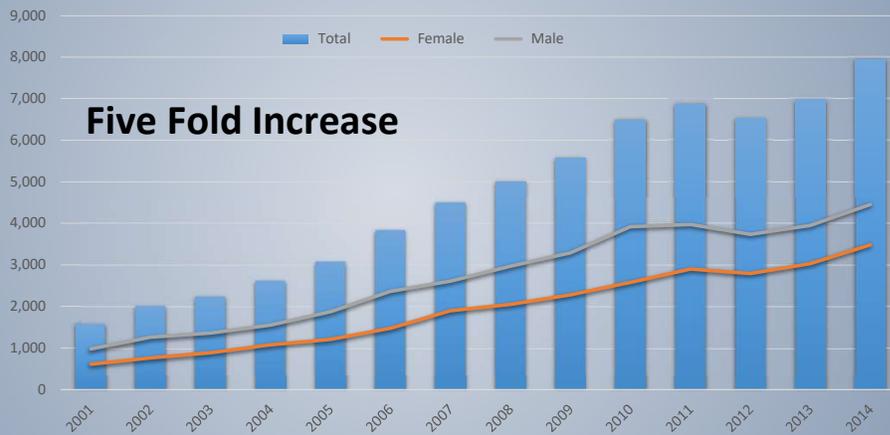
## LIFE EXPECTANCY HAS DECLINED IN U.S.

- ❖ Life expectancy in U.S. declined for two consecutive years (2016)
- ❖ 21% increase in deaths from opioids
- ❖ Life expectancy for men dropped from 76.3 to 76.1 years
- ❖ Life expectancy for women held steady at 81.1 years
- ❖ All other developed countries saw increase in life expectancy



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## Deaths from Prescription Benzodiazepines (2001-2014)



Source: National Center for Health Statistics, CDC Wonder



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## Cost of an overdose

|   |                                    |
|---|------------------------------------|
| <b>\$20.4 billion per year (2009)</b>   | <b>\$37,274 per overdose event</b> |
| <ul style="list-style-type: none"><li>❖ <b>\$2.2 billion direct costs</b><ul style="list-style-type: none"><li>❖ Inpatient, ED, MDs, ambulance</li></ul></li><li>❖ <b>\$18.2 billion indirect costs</b><ul style="list-style-type: none"><li>❖ Lost productivity from absenteeism and mortality</li></ul></li></ul> |                                    |

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