A Montana senator has assured a group of chronic-pain sufferers whose Billings doctor is under federal investigation that their medical needs will be evaluated by a local clinic.

Sen. Max Baucus, D-Mont., secured a promise from Deering Clinic that the county-run medical center will offer patients of neurologist Richard A. Nelson "the opportunity to be assessed by their staff for a continued pain-management care plan."

The Drug Enforcement Administration in April suspended Nelson's privileges to write prescriptions for certain painkillers pending a criminal investigation into his West End medical practice. Nelson has not been charged with a crime and remains in good standing with the Montana Board of Medical Examiners.

Many of his patients claim they have been blackballed by the local medical community because of their association with him, and some contacted Baucus' office for help.

In a letter to Siobhan Reynolds, president of the New York City-based Pain Relief Network, Baucus said he could not address the DEA's investigation into Nelson. Reynolds traveled to Billings recently to help Nelson's patients seek care.

"My legislative office has no jurisdiction over judicial matters and I maintain a strict policy of not interfering with criminal investigations," Baucus wrote.

But the senator contacted Deering Clinic on the patients' behalf, and he encouraged the patients to seek treatment there.

The clinic's promise to evaluate the patients was not a guarantee to continue the treatment prescribed by Nelson. In a letter signed by medical director Dr. James Guyer, the clinic said its providers would work with patients to establish a plan for care.

"The plan may include new or updated tests, and is likely to include treatments other than medicines, to help you function at your best," it reads.

After receiving a copy of Baucus' letter, pain sufferer Greg Wilkinson visited Deering in hopes of securing a narcotic prescription to ease his chronic neck and back pain. But, he said, doctors recommended surgery and resisted dispensing any painkillers.
"They are basically going to make me go through a full medical review twice," Wilkinson said after the appointment. "This isn't an assessment. This is an insult."

Ultimately, the clinic gave Wilkinson a prescription for methadone, which he said does not eliminate his pain.

"Their treatment plan is to refer me to a surgeon I don't have the money for," he said.

Wilkinson and other patients of Nelson's blame the DEA for their inability to get adequate pain relief. They claim Nelson was unfairly targeted by DEA agents and that other local doctors refuse to treat them for fear of the agency.

The patients are circulating a petition that asks Montana's congressional delegation to initiate a Senate Judiciary Committee investigation into the DEA's actions.

"A doctor cannot do his job if Big Brother is sitting over his shoulder," Wilkinson said.

Billings' largest medical facilities - Deaconess Billings Clinic, St. Vincent Healthcare and Deering - deny that fear of federal investigators affects the way they treat patients.

But Montana's attorney general, Mike McGrath, is worried that pressure from the federal government is preventing the state's doctors from adequately treating patients who suffer from chronic pain.

McGrath was among 30 attorneys general who signed two letters addressed to the DEA that question the agency's investigations into physicians who prescribe narcotic painkillers.

The DEA is sending mixed messages to the medical community that are "likely to discourage appropriate prescribing for the management of pain," according to one of the letters. It was authored in March by Oklahoma Attorney General Drew Edmondson.

"Whenever possible, physicians and other health care providers should not be put in the position of having to choose between protecting themselves and providing the best possible care for the patients who need their services," the letter reads. But the DEA has made it clear that "any physician (or other health care provider) can be investigated at any time for any reason."

A spokeswoman for McGrath confirmed that the attorney general signed the letters but said his office had no additional comment.

The March letter is critical of a DEA policy statement that reads, in part, "the government can investigate merely on suspicion that the law is being violated or even just because it wants assurances that it is not."
DEA spokeswoman Karen Flowers said the agency's broad investigative powers stem from a U.S. Supreme Court decision.

Doctors who prescribe narcotic painkillers make up a small portion of the DEA's prescription-drug cases, Flowers said. Of the more than 1 million doctors with DEA permission to prescribe narcotics, 42 were successfully prosecuted last year.

"The DEA recognizes people are in pain and they need medicine to alleviate that pain," Flowers said. "On the other side of that coin, we are duty-bound to protect the public from abuse of those drugs.

"Doctors acting in good faith and in accordance with established medical practices should remain confident in their ability to prescribe pain medication to their patients."

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Letter from National Association of Attorneys Generals to Ms. Leonhart, DEA Deputy Administrator; 2005-03-21

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