

[First Reprint]

ASSEMBLY CONCURRENT RESOLUTION No. 72

STATE OF NEW JERSEY

INTRODUCED MAY 6, 1996

By Assemblywomen VANDERVALK and WRIGHT

- 1 **A CONCURRENT RESOLUTION** creating the New Jersey Legislative  
2 Commission for the Study of Pain Management Policy to study laws  
3 relating to acute and chronic pain management.  
4
- 5 **WHEREAS**, The most common reason for seeking primary medical care is  
6 acute pain, with 80 percent of the millions of injuries suffered annually in the  
7 United States involving acute pain; and
- 8 **WHEREAS**, The Agency for Health Care Policy and Research within the  
9 United States Department of Health and Human Services has recognized  
10 the inadequacy of traditional pain management therapies for acute pain  
11 following surgery and trauma and for cancer pain; and
- 12 **WHEREAS**, An estimated 25 percent of all cancer patients are dying without  
13 relief from severe pain, and an estimated 60 to 70 percent of terminally ill  
14 patients are not adequately relieved for moderate to severe pain by  
15 traditional pain management therapies; and
- 16 **WHEREAS**, Unrelieved pain impairs the immune system, raises the likelihood  
17 of pneumonia and increased cardiac output and heart rates, and can cause  
18 psychological side-effects, such as depression; and
- 19 **WHEREAS**, Traditional attitudes about patients' pain concerns must be  
20 dispelled, because unrelieved pain contributes to patient discomfort, longer  
21 recovery periods, and greater use of scarce health care resources; and
- 22 **WHEREAS**, It is important to confirm and clarify the authority of physicians to  
23 prescribe extraordinary doses of pain-relieving agents in cases of  
24 intractable pain; and
- 25 **WHEREAS**, State law and policy can play a role in facilitating effective pain  
26 management, thereby serving the medical needs of New Jersey's citizens  
27 in the safest and most efficient manner; now, therefore,
- 28 **BE IT RESOLVED** by the General Assembly of the State of New Jersey  
29 (*the Senate concurring*):

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

**<sup>1</sup> Assembly floor amendments adopted October 21, 1996.**

1

2 1. There is established the "New Jersey Legislative Commission for the  
3 Study of Pain Management Policy." The purpose of this commission is to  
4 study the laws and practices of this State relating to acute and chronic pain  
5 management by health care providers. The commission shall study and  
6 prepare a report on the following issues: (a) acute and chronic pain  
7 management treatment practices by health care providers in New Jersey; (b)  
8 State and federal statutes and regulations relating to pain management  
9 therapies, including, but not limited to, drug dispensing practices, use of  
10 opioids and nonsteroidal anti-inflammatory drugs (NSAIDs), and the sanction  
11 and use of "alternative" therapies such as biofeedback, transcutaneous  
12 electrical nerve stimulation (TENS) and massage; (c) acute and chronic pain  
13 management education provided by the State's medical schools; (d) the acute  
14 and chronic pain management needs of both adults and children; and (e) such  
15 other issues relating to pain management as the commission deems  
16 appropriate.

17

18 2. The commission shall consist of ~~1~~[10] 14 members as follows: two  
19 members of the Senate to be appointed by the President of the Senate and  
20 who shall each be of different political parties; two members of the General  
21 Assembly to be appointed by the Speaker of the General Assembly and who  
22 shall each be of different political parties; and ~~1~~[six] ten public members, who  
23 are residents of the State of New Jersey ~~1~~[and licensed health care  
24 professionals who are experts in pain management]: one anesthesiologist, one  
25 oncologist, ~~one patient advocate, one member of the faculty of the University~~  
26 of Medicine and Dentistry of New Jersey who shall be a physician with  
27 experience in pain management, and one ~~1~~[registered professional] nurse, to be  
28 appointed by the President of the Senate; and one ~~1~~[neurologist] physician  
29 specializing in physical medicine, ~~1~~[and] 1 one pharmacist, ~~1~~[and one practitioner  
30 of alternative medicine] one primary care physician with experience in pain  
31 management, one physician specializing in pain management, and one attorney  
32 with expertise in health care law, to be appointed by the Speaker of the  
33 General Assembly. ~~1~~[One of the public members shall be a member of the  
34 faculty of the University of Medicine and Dentistry of New Jersey.] All public  
35 members who are medical professionals shall be duly licensed to practice in  
36 this State. At least one of the public members shall be a current member of  
37 the "American Cancer Society Pain Initiative." Vacancies in the membership  
38 of the commission shall be filled in the same manner provided for the original  
39 appointments.

1       3. a. The commission shall organize as soon as practicable following the  
2 appointment of its members and shall select a chairperson and vice-  
3 chairperson from among the members. The chairperson shall appoint a  
4 secretary who need not be a member of the commission.

5       b. The commission shall be entitled to call to its assistance and avail itself  
6 of the services of the employees of any State, county or municipal  
7 department, board, bureau, commission or agency as it may require and as  
8 may be available to it for its purposes. The Office of Legislative Services shall  
9 provide staff support for the preparation of the commission's report.  
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11       4. The commission may meet and hold hearings at such places as it shall  
12 designate during the sessions or recesses of the Legislature.  
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14       5. Within 10 months from the date of the organization of the commission,  
15 the commission shall submit its findings and recommendations in the form of  
16 a report to the Governor, the Senate and the General Assembly.  
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18       6. The commission shall expire upon the issuance of its report.  
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22

23 Establishes "New Jersey Legislative Commission for the Study of Pain  
24 Management Policy."