

SENATE CONCURRENT RESOLUTION No. 107

STATE OF NEW JERSEY

INTRODUCED JANUARY 14, 1997

By Senator SINAGRA

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.

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5 BE IT ENACTED by the Senate and General Assembly of the State of  
6 New Jersey:

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8 WHEREAS, The most common reason for seeking primary medical care is  
9 acute pain, with 80 percent of the millions of injuries suffered annually in the  
10 United States involving acute pain; and

11 WHEREAS, The Agency for Health Care Policy and Research within the  
12 United States Department of Health and Human Services has recognized  
13 the inadequacy of traditional pain management therapies for acute pain  
14 following surgery and trauma and for cancer pain; and

15 WHEREAS, An estimated 25 percent of all cancer patients are dying without  
16 relief from severe pain, and an estimated 60 to 70 percent of terminally ill  
17 patients are not adequately relieved for moderate to severe pain by  
18 traditional pain management therapies; and

19 WHEREAS, Unrelieved pain impairs the immune system, raises the likelihood  
20 of pneumonia and increased cardiac output and heart rates, and can cause  
21 psychological side-effects, such as depression; and

22 WHEREAS, Traditional attitudes about patients' pain concerns must be  
23 dispelled, because unrelieved pain contributes to patient discomfort, longer  
24 recovery periods, and greater use of scarce health care resources; and

25 WHEREAS, It is important to confirm and clarify the authority of physicians to  
26 prescribe extraordinary doses of pain-relieving agents in cases of  
27 intractable pain; and

28 WHEREAS, State law and policy can play a role in facilitating effective pain  
29 management, thereby serving the medical needs of New Jersey's citizens  
30 in the safest and most efficient manner; now, therefore,

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32 BE IT RESOLVED by the Senate of the State of New Jersey (the General  
33 Assembly concurring):

34 1. There is established the "New Jersey Legislative Commission for the  
35 Study of Pain Management Policy." The purpose of this commission is to

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

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

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

38 b. The commission shall be entitled to call to its assistance and avail itself  
39 of the services of the employees of any State, county or municipal  
40 department, board, bureau, commission or agency as it may require and as  
41 may be available to it for its purposes. The Office of Legislative Services shall  
42 provide staff support for the preparation of the commission's report.

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1 4. The commission may meet and hold hearings at such places as it shall  
2 designate during the sessions or recesses of the Legislature.

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4 5. Within 10 months from the date of the organization of the commission,  
5 the commission shall submit its findings and recommendations in the form of  
6 a report to the Governor, the Senate and the General Assembly.

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8 6. The commission shall expire upon the issuance of its report.  
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11 STATEMENT

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13 This concurrent resolution creates a 14-member "New Jersey Legislative  
14 Commission for the Study of Pain Management Policy" to study the laws and  
15 practices of this State relating to acute and chronic pain management by health  
16 care providers.

17 The commission shall study and prepare a report on the following issues:  
18 (a) acute and chronic pain management treatment practices by health care  
19 providers in New Jersey; (b) State and federal statutes and regulations  
20 relating to pain management therapies, including, but not limited to, drug  
21 dispensing practices, use of opioids and nonsteroidal anti-inflammatory drugs  
22 (NSAIDs), and the sanction and use of "alternative" therapies such as  
23 biofeedback, transcutaneous electrical nerve stimulation (TENS) and massage;  
24 (c) acute and chronic pain management education provided by the State's  
25 medical schools; (d) the acute and chronic pain management needs of both  
26 adults and children; and (e) such other issues relating to pain management as  
27 the commission deems appropriate.

28 The commission members include: two members of the Senate to be  
29 appointed by the President of the Senate; two members of the General  
30 Assembly to be appointed by the Speaker of the General Assembly; and 10  
31 public members, who are residents of the State. The public members will  
32 include: one anesthesiologist, one oncologist, one patient advocate, one  
33 member of the faculty of the University of Medicine and Dentistry of New  
34 Jersey who shall be a physician with experience in pain management, and one  
35 registered professional nurse, to be appointed by the President of the Senate;  
36 and one physician specializing in physical medicine, one pharmacist, one  
37 primary care physician with experience in pain management, one physician  
38 specializing in pain management, and one attorney with expertise in health care  
39 law, to be appointed by the Speaker of the General Assembly. All public  
40 members who are medical professionals shall be duly licensed to practice in  
41 this State. At least one of the public members shall be a current member of  
42 the "American Cancer Society Pain Initiative."  
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3 Establishes "New Jersey Legislative Commission for the Study of Pain

4 Management Policy."