

## Long-Term Care Survey Alert

### Legislative Trends: SNF Patients' Excruciating Pain Grabs Senate Subcommittee Attention

Nursing home provider puts a face on delays caused by DEA restrictions on controlled meds.

Senate lawmakers recently received an earful from frustrated nursing home providers weary of DEA red tape that the providers say is having a negative effect on patient care.

In a Senate Special Committee on Aging "listening session" convened in March to examine the impact of a DEA clampdown on narcotic medications in nursing homes, a facility administrator relayed how a patient in severe pain failed to get the pain relief she needed -- even though it was readily available.

The case involved an elderly woman admitted to the SNF on a Thursday in February 2010 after surgery to repair her lumbar (L2) vertebrae. The woman's physician prescribed a Fentanyl patch, which provides continuous drug delivery, along with oral Percocet every four hours for break-through pain. By Saturday, however, the patient's pain had escalated to the point that the facility staff realized that the patient's supply of the Percocet would be gone much sooner than anticipated, the administrator told lawmakers.

Long story short: The facility staff contacted the attending physician to get a renewed prescription. Meantime, the facility had extra Percocet in its emergency kit to give the patient when her supply ran out. Yet, the staff couldn't legally give it to her without a prescription from the physician, the administrator testified. By Monday just before noon, "the patient's pain had become so intense and unmanageable that she had to be transported by ambulance back to the hospital emergency room." "Ironically," around that time, the pharmacy also received the doctor's prescription for the medication, but it was too late. Once hospitalized, the woman had to receive IV pain medication and an epidural to manage her pain, the administrator relayed.

Testimony also revealed that the DEA's actions are taking a toll nationwide. According to a survey conducted in 46 states by the Quality Care Coalition for Patients in Pain, 65.4 percent of nearly 900 clinicians had experienced delays in getting controlled medications to their patients ([www.ascp.com/advocacy/qccpp/report/](http://www.ascp.com/advocacy/qccpp/report/)). Among respondents specifying the length of the delay, 40 percent reported up to a day ♦♦ "another 40 percent reported delays of up to two days and 12 percent reported delays of two or more days."