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March 15, 2017

The Honorable Joseph McNamara
Chair
House Committee on Health, Education and Welfare
State House
82 Smith Street
Providence, RI 02903

Dear Mr. Chairman: re: 17H-5469

As organizations dedicated to the care and protection of patients across Rhode Island, we are asking you to vote in opposition to H-5469, legislation to give law enforcement agencies access to the prescription drug monitoring program (PMP) without a warrant.

The PMP contains information on virtually all scheduled drugs prescribed in Rhode Island by a health care provider, including painkillers, anti-seizure medication, mood stabilizers, diet pills, and sleep aids. Its purpose is to facilitate patient care by limiting overprescribing, and assisting health care providers in recognizing when a patient may be engaging in drug-seeking behavior so health care providers can respond appropriately. It is a tool for health care, not law enforcement. Presently, Rhode Island is one of more than a dozen states that require law enforcement to obtain a warrant before accessing the records contained within the PMP. This legislation removes that critical requirement.

In doing so, this legislation undermines attempts to deal with the opioid crisis as a medical issue rather than a criminal one. Rhode Island's focus should be on ensuring doctors can evaluate patients for opioid addiction and get them medical help. Instead, this legislation will leave chronic pain sufferers and other ill Rhode Islanders wide open for suspicion and investigation based on their legitimate prescriptions, while dissuading some doctors from prescribing medication to their patients out of fear of unfairly being accused of criminal activity.

Rhode Island has a long history of strong patient confidentiality laws that protect patients and doctors from speculative law enforcement investigations. Requiring law enforcement to obtain a warrant before accessing the prescription history of tens of thousands of Rhode Islanders simply provides a judicial check to ensure that investigations are legitimate and evidence-based. Judicial review should remain the standard by which law enforcement is able to access such sensitive information.

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There is a very real and urgent need to solve the opioid overdose crisis in our state and to address problems of drug abuse more generally. But if we value personal privacy between physicians and patients, we cannot, and should not, accomplish that goal by granting warrantless access to the PMP. It is no more appropriate than allowing police to enter our homes and open our medicine cabinets on demand. H-5469 undercuts efforts to address drug abuse medically, and is inconsistent with the very goals of the PMP itself.

For all these reasons, we respectfully ask that you vote in opposition to H-5469.

Sincerely,

Rhode Island Medical Society

RI Chapter, American College of Physicians

Rhode Island Health Center Association

Rhode Island Academy of Physician Assistants

Rhode Island Dental Association

Rhode Island Society of Anesthesiologists

Substance Use and Mental Health Leadership Council of Rhode Island

Rhode Island Radiology Society

Hospital Association of Rhode Island

Rhode Island Association of Oral and Maxillofacial Surgeons

Rhode Island Optometric Association