

March 4, 2015

Mary Milroy, MD  
President  
South Dakota State Medical Association  
2600 W. 49th Street, Suite 200  
PO Box 7406  
Sioux Falls, SD 57117-7406

Dear Dr. Milroy:

Per your request, the American Medical Association (AMA) has reviewed the proposed amendments to Article 20:47 of South Dakota's regulations pertaining to physicians and surgeons, and we make the following observations.

The proposed "Best practices for the prescription of controlled substances for the treatment of pain," raises several areas for concern. At a threshold level, the AMA is concerned that the proposed regulation provides overly broad, vague recommendations about how physicians are expected to treat patients with pain. The proposed regulation also provides no distinction between different types of pain – whether acute, chronic, related to a terminal illness, or other condition(s).

The AMA does not believe it is appropriate to establish standards of care or create specific requirements for physicians that restrict the exercise of their clinical judgment. The highly prescriptive, overly vague directions contained in the proposed regulation, however, do just that, and are not in the best interests of South Dakota's patients or the physicians who care for them.

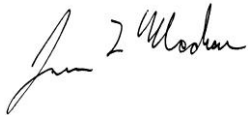
Similarly, the proposed "Best practices for medical records when prescribing controlled substances for the treatment of pain" also lacks specificity with respect to the different needs of patients who present with different conditions. The AMA certainly supports proper documentation, but the highly prescriptive processes and procedures simply may not be appropriate or applicable in all situations and therefore should not be codified as a best practice.

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The AMA has worked with federal and state policymakers in support of combating prescription drug abuse, misuse, overdose and death on many levels. We strongly support efforts to enhance education and ensure appropriate prescribing of controlled substances, including for pain. While we commend the medical board for its interest in this area, we strongly recommend that the medical board withdraw the proposed regulation for the reasons stated above

If you have any questions regarding the recommendations and comments in this letter, please contact Daniel Blaney-Koen, JD, Senior Legislative Attorney, Advocacy Resource Center, at [daniel.blaney-koen@ama-assn.org](mailto:daniel.blaney-koen@ama-assn.org) or 312-464-4954.

Sincerely,

A handwritten signature in cursive script, appearing to read "James L. Madara".

James L. Madara, MD

cc: South Dakota State Medical Association