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July 12, 2017

Her Excellency Gina Raimondo
GOVERNOR
Room 224, State House
82 Smith Street
Providence, RI 02903

RE: S-0656, Sub A/H-5469 Sub A

Dear Governor Raimondo:

The Rhode Island Medical Society and the organizations listed below representing a broad array of entities from the medical, mental health and substance use treatment communities, strongly urge you to maintain our state's protection of confidential healthcare information by vetoing the above legislation.

We commend you and your administration's efforts to combat the opioid epidemic in our state. The work of your Overdose Prevention and Intervention Task Force has been focused on evidence based solutions utilizing highly innovative prevention and treatment approaches that are medically based. It has been a prime example of how state government can work with the local medical community to address a medical crisis. We believe that you agree that the opioid addiction crisis is a medical problem, and that the medical community has been a strong partner in responding to the situation. However this legislation interjects law enforcement into that approach and invades the privacy and confidentiality of Rhode Islanders' healthcare information.

These bills purport to provide a solution to a "problem" of diversion, yet the Department of Health already possesses the information and the authority to refer to law enforcement under the state's Prescription Drug Monitoring Program, PDMP. The Department has identified the top 400 prescriber's of opioids in RI (source: Governor's office) and to our knowledge has not found any indication of diversion activity necessitating a referral to law enforcement. Thankfully Rhode Island has not suffered the fate of other states where "pill mills" have contributed significantly to their crisis.

Given these facts, why would we as a state wish to allow law enforcement warrantless access to the PDMP? Why would we open the medicine cabinets of the majority of our citizens to law enforcement and allow this potential intrusion into a sacrosanct aspect of human interaction: the doctor-patient relationship?

Your Task Force has also recognized the stigma individuals suffering from substance use disorders encounter, it is not hard to imagine that these bills will have a chilling impact on patients seeking treatment for substance use disorder, chronic pain, mental health disorders or any other potentially sensitive ailment knowing that law enforcement has warrantless access to their confidential healthcare information.

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We are concerned that these bills, if signed into law, may drive patients "underground" and away from the care that they need and have the unintended effect of increasing the number of overdoses.

We are not assuaged by the language in the bills giving the Department of Health the ability to discontinue information sharing after the fact, which is a prime example of too little, too late. If Rhode Islander's privacy is to be left to the discretion of one person; that person should be a judge. We are also concerned that the Department's complicity in sharing confidential health care information could undermine its credibility.

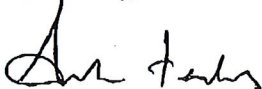
Working with you, your Task Force and the General Assembly, prescribing professionals have reduced the number of retail filled opioid prescriptions by 24.8% since 2013, second most in the nation and 10% points above the national average. Our per capita rate of opioid prescriptions is below the national average. Department of Health statistics show that prescription opioids are no longer a significant factor in overdose deaths in Rhode Island.

Tragically all of our efforts to prevent addiction, provide treatment and avoid overdoses has been overwhelmed by the influx of fentanyl, a bona fide law enforcement issue.

Please VETO this legislation.

Should you or your staff have any questions, please contact RIMS' Director of Government and Public Affairs, Steve DeToy at 401.965.8885.

Sincerely,

A handwritten signature in black ink, appearing to read "Sarah J. Fessler".

Sarah J. Fessler, MD
President

Enclosure