

RESOLUTION

Subject: Review of 201 KAR 9:270 (Kentucky's Buprenorphine Regulation)

Submitted by: James Patrick Murphy, MD, MMM

Referred to: Reference Committee

WHEREAS, according to the 2023 Kentucky Drug Overdose Fatality Report, 1,984 Kentuckians lost their lives last year to a drug overdose¹, which is more than a 50% increase from 2019; and

WHEREAS, recent CDC data² lists Kentucky as having the seventh highest overdose death rate in the country; and

WHEREAS, recent CDC data³ indicates approximately 70% of overdose deaths are caused by opioids; and

WHEREAS, buprenorphine treatment⁴ has been associated with more than a 60% reduction in the risk of opioid-involved overdose death; and

WHEREAS, new research out of Kentucky, recently published in the Journal of Addiction Medicine⁵, suggests that higher doses of buprenorphine are associated with reduced opioid-involved overdose deaths and death from other causes; and

WHEREAS, 201 KAR 9:270 is a recognized barrier^{6,7} to patients accessing treatment with buprenorphine; and

WHEREAS, American Society of Addiction Medicine (ASAM) policy⁸ states it is vital that unnecessary and over-burdensome barriers to buprenorphine treatment be avoided so patients can have timely access to care; and

WHEREAS, ASAM policy⁸ further recommends any state regulation regarding buprenorphine be evidence-based so as not to dissuade clinicians from offering buprenorphine treatment, nor create environments unattractive to patients because of unnecessary and unhelpful regulatory burdens; and

WHEREAS, 201 KAR 9:270 is seriously outdated^{9,10} and long overdue for a review and update; and

WHEREAS, on or about June 4, 2024, KBML informed stakeholders¹¹ of an updated draft of proposed changes¹² to 201 KAR 9:270; and

WHEREAS, the Kentucky Society of Addiction Medicine and other field experts, have reviewed the KBML's proposed changes to 201 KAR 9:270 and have concluded that the proposed changes will create environments unattractive to patients because of unnecessary and unhelpful regulatory burdens and will not bring the regulation in accord with evidence-based practice^{13,14,15,16,17} but will instead create

new treatment barriers and may even worsen Kentucky's overdose crisis; now, therefore, be it

RESOLVED, that KMA call upon the Kentucky Board of Medical Licensure (KBML) to stop KBML's process of finalizing proposed changes to 201 KAR 9:270 and promptly convene a diverse workgroup, comprised of experts in the field, tasked with recommending regulatory changes that will ensure competent, evidence-based, and patient-centered treatment of opioid use disorder with buprenorphine.

Reference

1. Kentucky 2023 Drug Overdose Fatality Report, Kentucky Office of Drug Control Policy
<https://governor.ky.gov/attachments/2023-Drug-Overdose-Fatality-Report.pdf>
2. CDC National Center for Health Statistics, Drug Overdose Mortality by State (2022)
https://www.cdc.gov/nchs/pressroom/sosmap/drug_poisoning_mortality/drug_poisoning.htm
3. CDC National Center for Health Statistics, Drug Overdose Deaths <https://www.cdc.gov/nchs/hus/topics/drug-overdose-deaths.htm>
4. Buprenorphine After Nonfatal Opioid Overdose: Reduced Mortality Risk in Medicare Disability Beneficiaries. American Journal of Preventive Medicine. Vol 65, Issue 1, P19-29, July 2023 [https://www.ajpmonline.org/article/S0749-3797\(23\)00052-1/abstract#:~:text=Buprenorphine%20treatment%20after%20nonfatal%20opioid,of%20opioid%2Dinvolved%20overdose%20death](https://www.ajpmonline.org/article/S0749-3797(23)00052-1/abstract#:~:text=Buprenorphine%20treatment%20after%20nonfatal%20opioid,of%20opioid%2Dinvolved%20overdose%20death)
5. Lei, Feitong PhD; Lofwall, Michelle R. MD; McAninch, Jana MD, MPH, MS; Adatorwovor, Reuben PhD; Slade, Emily PhD; Freeman, Patricia R. PhD; Moga, Daniela C. MD, PhD; Dasgupta, Nabarun PhD, MPH; Walsh, Sharon L. PhD; Vickers-Smith, Rachel PhD; Slavova, Svetla PhD. Higher First 30-Day Dose of Buprenorphine for Opioid Use Disorder Treatment Is Associated With Decreased Mortality. Journal of Addiction Medicine 18(3):p 319-326, 5/6 2024. | DOI: 10.1097/ADM.0000000000001300
https://journals.lww.com/journaladdictionmedicine/fulltext/2024/05000/higher_first_30_day_dose_of_buprenorphine_for.15.aspx
6. Improving Access to Opioid Use Disorder Treatment in Kentucky. The Pew Charitable Trusts
<https://odcp.ky.gov/Resources/Documents/Pew%20Kentucky%20Memo%20FINAL.pdf>
7. Buprenorphine Prescribing Requirements and Limitations. Prescription Drug Abuse Policy System
<https://pdaps.org/datasets/buprenorphine-prescribing-requirements-and-limitations>
8. ASAM Public Policy Statement on the Regulation of Office-Based Opioid Treatment
<https://www.asam.org/docs/default-source/public-policy-statements/statement-on-regulation-of-obot.pdf>
9. KBML Newsletter, Winter 2023 <https://kbml.ky.gov/newsletter/Documents/2023-01%20Winter.pdf>
10. KYSAM December 5, 2023 letter to KBML, Re: Request for Kentucky Board of Medical Licensure (KBML) to Revise Sections of 201 KAR 9:270
<https://www.dropbox.com/scl/fo/1kzev0k1f2ha7x3zvfei0/AltntlUOy1hbdLNgm1ydbEUA?rlkey=zydt3magmwsk4rwi7rz62hrxw&e=1&st=fam39q2j&dl=0>
11. KBML June 4, 2024 letter to KYSAM, Re: Review and Amendment of 201 KAR 9:270
<https://www.dropbox.com/scl/fo/1kzev0k1f2ha7x3zvfei0/AltntlUOy1hbdLNgm1ydbEUA?rlkey=zydt3magmwsk4rwi7rz62hrxw&e=1&st=fam39q2j&dl=0>
12. KBML proposed changes to 201 KAR 9:270, enclosure of KBML June 4, 2024 letter to KYSAM
<https://www.dropbox.com/scl/fo/1kzev0k1f2ha7x3zvfei0/AltntlUOy1hbdLNgm1ydbEUA?rlkey=zydt3magmwsk4rwi7rz62hrxw&e=1&st=fam39q2j&dl=0>
13. KYSAM July 10, 2024 letter to KBML, Re: June 4, 2024 letter from Michael S. Rodman
<https://www.dropbox.com/scl/fo/1kzev0k1f2ha7x3zvfei0/AltntlUOy1hbdLNgm1ydbEUA?rlkey=zydt3magmwsk4rwi7rz62hrxw&e=1&st=fam39q2j&dl=0>
14. KYSAM July 22, 2024 letter to KBML, Re: Request of KBML to Stop the Current Workgroup's Efforts to Propose Changes to 201 KAR 9:270 and to Establish a New Workgroup to Review the Regulation
<https://www.dropbox.com/scl/fo/1kzev0k1f2ha7x3zvfei0/AltntlUOy1hbdLNgm1ydbEUA?rlkey=zydt3magmwsk4rwi7rz62hrxw&e=1&st=fam39q2j&dl=0>
15. July 2024 Petition to KBML from stakeholders, Re: Review of 201 KAR 9:270 (i.e., Kentucky's buprenorphine regulation), asking for halt to review process and formation of a new workgroup
<https://www.dropbox.com/scl/fo/1kzev0k1f2ha7x3zvfei0/AltntlUOy1hbdLNgm1ydbEUA?rlkey=zydt3magmwsk4rwi7rz62hrxw&e=1&st=fam39q2j&dl=0> <https://jamespmurphy.com>
16. Association for Multidisciplinary Education and Research in Substance Use and Addiction (AMERSA) July 18, 2024 letter to KBML
<https://www.dropbox.com/scl/fo/1kzev0k1f2ha7x3zvfei0/AltntlUOy1hbdLNgm1ydbEUA?rlkey=zydt3magmwsk4rwi7rz62hrxw&e=1&st=fam39q2j&dl=0>
17. KYSAM website: SUPPORT OUR PETITION <https://www.kysam.org>