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Drug Enforcement Administration

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OHIO BOARD OF PHARMACY

Washington, D.C. 20537

JAN 27 2005

William T. Winsley, M.S., R.Ph.
Executive Director, Ohio State Board of Pharmacy
77 South High Street, Room 1702
Columbus, Ohio 43215-6126

Dear Mr. Winsley:

Thank you for your December 16, 2004, letter to the Drug Enforcement Administration (DEA) regarding the dispensing of controlled substances for the treatment of pain. As DEA stated in its November 16, 2004, Interim Policy Statement (published in the Federal Register), the agency recognizes the importance of this issue. DEA believes it is essential to strike an appropriate balance between providing guidance and reassurance to the overwhelming majority of physicians who engage in legitimate pain treatment while deterring the unlawful conduct of a very small number of physicians who exploit the term "pain treatment" as a pretext to engage in prescription drug diversion. Toward that end, as DEA stated in the Interim Policy Statement, the agency will be addressing the subject in greater detail in an upcoming document to be published in the Federal Register.

On January 18, 2005, DEA published in the Federal Register a Solicitation of Comments, inviting physicians, pharmacists, and other interested members of the public to submit comments on the subject of dispensing of controlled substances for the treatment of pain. We welcome any comments you might wish to provide in the manner specified in the Federal Register solicitation notice (a copy of which is enclosed).

In the meantime, please be advised that DEA, being the agency responsible for enforcement and administration of the Controlled Substances Act (CSA), has an obligation under the Act to promulgate and enforce any rules, regulations, and procedures which the agency deems necessary for the efficient enforcement of the Act. DEA must issue such rules consistent with the text, structure, and purposes of the CSA, and in procedural accordance with the Administrative Procedure Act (APA). The APA provides, among other things, that each agency "shall state and currently publish in the Federal Register for the guidance of the public . . . statements of general policy or interpretations of general applicability formulated and adopted by the agency." Accordingly, any official pronouncements from the agency on the subject of dispensing controlled substances for the treatment of pain will be published in the Federal Register. As indicated above, DEA is in the

process of developing a mechanism for obtaining the views of the medical community and other interested members of the public in order to ensure that those views are taken into account in the future DEA document on this important subject.

Finally, DEA wishes to reassure you and other interested members of the public that the withdrawal of the August 2004 "Pain FAQ" does not represent any change in DEA's investigative emphasis or approach. Physicians acting in good faith and in accordance with established medical norms should remain confident that they may continue to dispense appropriate pain medications.

Thank you for your continuing interest in this matter.

Sincerely yours,



William J. Walker
Deputy Assistant Administrator
Office of Diversion Control

Enclosure