

THE MYTH OF AVAILABLE PAIN CARE

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Introduction

I'd like to thank the Association of American Physicians and Surgeons for inviting me to speak. They are the only organized medicine group that has so far seen its way clear to take a meaningful stand about the pain crisis. I acknowledge the other concerned panelists for sacrificing their time to be here

I'll start by telling you how I got interested in the pain problem. I'm a general practitioner. During the mid-90s, I developed an interest in the treatment of chronic pain. This resulted in an unpleasant encounter with the Attorney General of California.

Murder Charges

Mr. Lockyer mistook me for a drug dealing mass murderer. He tossed me in jail, seized my assets, and got my bail set at \$15 million dollars. These are some of the things that Mr. Lockyer and his agents got published in the newspaper.

We are shutting down suppliers of a highly addictive drug that has been improperly allowed to saturate the community. He was operating a patient mill, prescribing controlled drugs after superficial examinations and then submitting billings to Medi-Cal.

- Bill Lockyer, Attorney General of California, *Sacramento Bee*. April 19, 1999

The facts in this case suggest that this trio of individuals are more akin to a person who poisoned a county well and caused the deaths of the people who were unfortunate enough to drink from it.

-Gary Binkerd, Deputy Attorney General, *Redding Record Searchlight*, March 7, 1999

I likened the defendants to common 'street pushers' whose sole interest was to pump out 'staggering quantities' of pain medicine."

-Gary Binkerd, Deputy Attorney General, *Redding Record Searchlight* April 28, 1999

Mr. Lockyer closed down my clinic, and left my patients to fend for themselves. I sat in jail, contemplating a potential sentence of 245 years to life. I have since been exonerated, but for 5 years I couldn't work, and to add insult to injury, I had to move back in with my parents.

Everyone is curious about the murder charges, so I'll tell you about one of them. A patient I treated for chronic back pain was a passenger in a car wreck. Her skull

was crushed, her neck was snapped, her heart exploded, and she was eviscerated. Any *one* of these injuries would have been fatal. If you figure out why Mr. Lockyer accused me of murdering the woman, let me know.

Why I Walked

My arrest and prosecution wasn't a fluke. The only thing unusual about my case is the fact that I was exonerated. Similar prosecutions are sending innocent physicians to prison all over the country. My colleague, Jim Graves, is doing 63 years in Florida state prison. My colleague Freddie Williams just drew a life sentence. I got lucky. After I got thrown in jail, my brother picked out a lawyer for me. One who knows how to win this kind of a case. He is from San Francisco. His name is Patrick Hallinan.

The Myth of Available Pain Treatment

I'm here to debunk a myth. This is the myth of available pain treatment. Most of you probably think that if you get chronic pain, your physician will control it for you. Don't count on this, because it isn't going to happen.

Let me tell you what *will* happen. Rather than risk his own neck by treating your pain, your physician will let you suffer unnecessarily, and maybe even let you die. By itself, that would be bad enough, but that's only half of it. If you get chronic pain, your physician will also abuse you.

Here's what you can expect. If your pain is out of control, and you request a larger prescription, your physician is trained to identify this as an "aberrant" drug-related behavior. What this means, is he will think you are a drug addict. Instead of prescribing the medications you need, he will respond with threats to terminate your treatment altogether. That isn't pain control, its abuse.

Your physician isn't evil. He was trained to abuse you in this manner. Guidelines, established by academic medicine require this of him. Your physician's unethical conduct is pain treatment delivered in the requisite drug war style.

In my own practice, I refused to abuse my patients in this manner. Instead, I made sure they received enough medication to control their pain. After seeing what happened to me, it is no wonder that most physicians refuse to treat chronic pain at all.

Conclusion

The worst of my personal ordeal is over. I have my medical license back. Now, I want my profession back.

I want to be able to practice medicine without the police conducting surveillance in my parking lot. I want to see patients in my office without a bunch of undercover agents wiring up, and trying to scam me for drugs. After I go home at night, I don't want the cops digging through the trash in the dumpster in back of my clinic. Most of all, I don't want the police leaning on my patients, and cutting deals with them to testify against me in court.

I've had it with law enforcement regulating pain management, and sending pain-treating physicians to prison. Its time establish rational social policy, that delivers the regulation of medical practice back into the hands of physicians, where it belongs. Its time to get the drug war monkey off the medical profession's back.