

**Opening Statement of Senator Herb Kohl
Special Committee on Aging Listening Session
The War on Drugs Meets the War on Pain:
Nursing Home Residents Caught in the Crossfire
March 24, 2010**

Good afternoon, and thank you all for being here. Today we will examine the dispensing of pain medication in nursing homes across the country, a serious issue that impacts the daily wellbeing and comfort of millions of elderly Americans.

It is safe to say that most laws are created to prevent suffering. In the case of the U.S. Drug Enforcement Administration's recent crackdown of nursing homes, it appears that the law exacerbates it. The hours it may take for a nursing home to fully comply with DEA regulations can feel like an eternity to an elderly nursing home resident who is waiting for relief from excruciating pain. Our hope for today's session is that we can find a better strategy that allows the DEA to do its job, and enables infirm nursing home residents to receive their medication in an expedient way.

According to several of our panelists and other industry sources, nursing homes and long-term care facilities have found themselves under heightened scrutiny from the DEA, a federal agency with the vital job of regulating the use and sales of controlled substances. The DEA's initiatives often save lives and make a positive impact. The problem is that while the DEA claims they are working to keep prescription drugs out of the wrong hands, in reality they are causing widespread confusion, with the result of interruption and delays in timely access to pain medication for vulnerable seniors.

We have heard from many providers in my home state of Wisconsin, who say that they are faced with the impossible choice of following the letter of the law and caring for sick residents in the best way they know how. While I support the DEA'S national drug diversion strategy, which prevents prescribed medications from reaching those who would abuse them, it seems that their efforts are misplaced here – with sick seniors paying the price.

Today we will hear about pain management for the elderly, the role of nurses in ordering and administering medication, and proposals for possible changes to the regulatory scheme that governs long-term care facilities and pharmacies. And we will hear from the DEA, in order to gain a better understanding of their intentions.

I understand that unanimous consent was not given this morning for Committees to hold regularly scheduled hearings and meetings. We appreciate that some of you have come a long way today at your own expense to have your voices heard on this important issue. For that reason, although our Committee will not be holding a formal hearing this afternoon, we will have a listening session this afternoon so that we can understand your positions.

Thank you to all of today's participants. We look forward to your statements.