

HON. RON PAUL OF TEXAS BEFORE THE US HOUSE OF REPRESENTATIVES October 5, 2004

Reject a National Prescription Database

Mr. Speaker, I rise in opposition to HR 3015, the National All Schedules Prescription Electronic Reporting Act. This bill is yet another unjustifiable attempt by the federal government to use the war on drugs as an excuse for invading the privacy and liberties of the American people and for expanding the federal government's disastrous micromanagement of medical care. As a physician with over 30 years experience in private practice, I must oppose this bill due to the danger it poses to our health as well as our liberty.

By creating a national database of prescriptions for controlled substances, the federal government would take another step forward in the war on pain patients and their doctors. This war has already resulted in the harassment and prosecution of many doctors, and their staff members, whose only "crime" is prescribing legal medication, including opioids, to relieve their patients' pain. These prosecutions, in turn, have scared other doctors so that they are unwilling to prescribe an adequate amount of pain medication, or even any pain medication, for their suffering patients.

Doctors and their staffs may even be prosecuted because of a patient's actions that no doctor approved or even knew about. A doctor has no way of controlling if a patient gives some of the prescribed medication away or consumes a prescribed drug in a dangerous combination with illegal drugs or other prescription drugs obtained from another source. Nonetheless, doctors can be subjected to prosecution when a patient takes such actions.

Applying to doctors laws intended to deal with drug kingpins, the government has created the illusion of some success in the war on drugs. Investigating drug dealers can be hard and dangerous work. In comparison, it is much easier to shut down medical practices and prosecute doctors who prescribe pain medication.

A doctor who is willing to treat chronic pain patients with medically justified amounts of

controlled substances may appear at first look to be excessively prescribing. Because so few doctors are willing to take the drug war prosecution risks associated with treating chronic pain patients, and because chronic pain patients must often consume significant doses of pain medication to obtain relief, the prosecution of one pain doctor can be heralded as a large success. All the government needs to do is point to the large amount of patients and drugs associated with a medical practice.

Once doctors know that there is a national database of controlled substances prescriptions that overzealous law enforcement will be scrutinizing to harass doctors, there may be no doctors left who are willing to treat chronic pain. Instead of creating a national database, we should be returning medical regulation to local control, where it historically and constitutionally belongs. Instead of drug warriors regulating medicine with an eye to maximizing prosecutions, we should return to state medical boards and state civil courts review that looks to science-based standards of medical care and patients' best interests.

HR 3015 also threatens patients' privacy. A patient's medical records should be treated according to the mutual agreement of the patient and doctor. In contrast, HR 3015 will put a patient's prescriptions on a government-mandated database that can be accessed without the patient's permission!

Instead of further eroding our medical privacy, Congress should take steps to protect it. Why should someone be prevented from denying the government and third parties access to his medical records without his permission or a warrant?

One way the House can act to protect patients' privacy is by enacting my Patient Privacy Act (HR 1699) that repeals the provision of federal law establishing a medical ID for every American. Under the guise of "protecting privacy," the Health and Human Services' so-called "medical privacy" regulations allow medical researchers, insurance agents, and government officials access to your personal medical records--without your consent! Congress should act now to reverse this government-imposed invasion of our medical privacy.

Please join me in opposing HR 3015--legislation that, if enacted, will make us less free and less healthy.

