

December 05, 2022

**The Honorable Charles Schumer**  
Majority Leader  
U.S. Senate  
322 Hart Senate Office Building  
Washington, D.C. 20510

**The Honorable Nancy Pelosi**  
Speaker of the House  
U.S. House of Representatives  
1236 Longworth House Office Building  
Washington, DC, 20515-0512

**The Honorable Mitch McConnell**  
Minority Leader  
U.S. Senate  
317 Russell Senate Office Building  
Washington, DC 20510

**The Honorable Kevin McCarthy**  
Minority Leader  
U.S. House of Representatives  
2468 Rayburn House Office Building  
Washington, DC, 20515-0523

**Re: Pass the NOPAIN Act (S.586/H.R.3259) Now**

Dear Majority Leader Schumer, Speaker Pelosi, Minority Leader McConnell, and Minority Leader McCarthy:

On behalf of the patients, providers, families, and health professionals our 53 organizations represent, **we urge you to include the *Non-Opioids Prevent Addiction in the Nation (NOPAIN) Act (S. 586/H.R. 3259)* in any year-end legislative package.**

We lost approximately 81,000 Americans from an opioid-related overdose in 2021 alone. This represents a 70 percent increase in the number of American lives lost due to opioids since 2019.

For many, the path to addiction can begin after an otherwise routine medical procedure. Research shows that approximately 4 million Americans initiate a long-term opioid use habit after being exposed to opioids to manage postsurgical pain. It is easy to see why, considering that 90 percent of these patients are prescribed opioids – oftentimes in copious amounts – to manage their pain. So, it is hardly surprising to learn that the majority of heroin users report initiating opioid misuse through prescription opioid pills.

The status quo can and must change. The Centers for Disease Control and Prevention (CDC) recently announced that non-opioids were just as effective at managing pain as opioids. Despite this, the Centers for Medicaid and Medicare Services (CMS) continues to encourage the prescription of opioids to manage pain in the outpatient surgical setting. This policy – which provides separate payment for prescription opioids through Medicare Part D – inadvertently and inappropriately incentivizes the use of narcotic-based pain management.

The status quo leaves patients, healthcare providers, families, and others without a choice regarding managing postsurgical pain. In this instance, CMS policy dictates patient care and results in patients being denied access to safe and effective non-opioid pain management approaches. This policy puts patients on a potentially dangerous path from which some may not return.

**Congress must change the status quo and ensure access to FDA-approved non-opioid pain management approaches.**

The *NOPAIN Act* would remove current reimbursement barriers that limit patient and provider access to non-opioid pain management approaches, increasing access to and use of medically appropriate, safe,

and effective non-opioid approaches to pain management for five years. These approaches include FDA-approved injectable NSAIDs, long-acting local anesthetics, and medical devices. The legislation would also facilitate a review of and report on the effectiveness of increasing patient access to therapeutic services such as physical therapy, psychological services, acupuncture, massage therapy, and others in providing effective pain management while also reducing opioid consumption.

The budget-neutral NOPAIN Act has broad, bipartisan support in both chambers of Congress, as indicated by its diverse and enthusiastic group of more than 170 co-sponsors, including 52 U.S. Senators. As these year-end deliberations take place, we urge you to include the NOPAIN Act in any appropriate legislative vehicle.

The time for action is now. Lives hang in the balance.

We look forward to working with you to enact this important legislation.

Sincerely,

Voices for Non-Opioid Choices

A.C.T Drug Free Community Coalition

Addiction & Faith Conference

Ambulatory Surgery Center Association

American Association for the Surgery of Trauma

American Association of Colleges of Nursing

American Association of Nurse Anesthesiology

American Association of Payers, Administrators and Networks (Physical Medicine Management Alliance)

American Massage Therapy Association

American Psychological Association

Arizona Public Health Association

Aurora Sober Living

Beyond Addiction Mosaic

C4 Recovery

California Black Health Association

CLEARR

Community Anti-Drug Coalitions of America

Cory's Cause

Herren Project

High Rockies Harm Reduction

Jamie Daniels Foundation

Journey House Foundation

Mental Health America of Illinois

Mental Health Colorado

Mental Health Summit

National Association for Addiction Professionals

National Association of Social Workers

National Certification Commission for Acupuncture and Oriental Medicine

National Rural Health Association

National Safety Council

National Transitions of Care Coalition

Overdose Lifeline  
Partnership to End Addiction  
Pledge for Life Partnership  
Prevention Action Alliance  
Project Healing Hive  
REAL LIFE  
Reckless Saints of Nowhere  
RetireSafe  
Shatterproof  
She Recovers Foundation  
Society for Opioid-Free Anesthesia  
Society of Behavioral Medicine  
South End Roxbury Community Partnerships  
The Center of Addiction & Faith  
The Kennedy Forum  
The Partnership for a Healthy Iowa  
Twelfth Step Ministry  
Voices for Awareness  
Voices of Hope  
Will Bright Foundation  
WIN Recovery  
Young People in Recovery