

# HEALTH AND HUMAN SERVICES (HHS)

Resolution HHS-25-05

## ENSURING EQUITABLE ACCESS TO SAFE AND EFFECTIVE PAIN MANAGEMENT TREATMENT

WHEREAS, the United States faces an urgent national crisis of opioid addiction and overdose, which has been recognized by a nationwide Public Health Emergency declaration, most recently renewed by the U.S. Secretary of Health and Human Services on June 25, 2024;

WHEREAS, opioids as a class of drugs not only includes the illegal drugs heroin and illicit fentanyl, but also legal drugs prescribed for pain management;

WHEREAS, according to the National Center for Health Statistics at the Centers for Disease Control and Prevention (CDC), more than 107,000 lives were lost from drug-involved overdoses in 2022, with over 75 percent of drug overdose deaths involving opioids and nearly 310,000 overdose deaths from 1999 to 2022 involving prescription opioids;

WHEREAS, the rate of drug overdose deaths among Black Americans has continued to rise—from 44.2 drug overdose deaths per 100,000 population in 2021 to 47.5 drug overdose deaths per 100,000 population in 2022—even as the general population’s rate of overdose deaths has flattened, according to the CDC;

WHEREAS, in 2022, the CDC issued updated guidance that emphasized that non-opioid therapies are at least as effective as opioids for many common types of pain, recommending that clinicians maximize use of non-opioid pharmacologic therapies as appropriate because they do not carry the same risks as opioids;

WHEREAS, in its 2022 guidelines, CDC acknowledged evidence that Black patients, in particular, often struggle with access to appropriate pain management by comparison with white patients;

WHEREAS, states can play a key role in combating the opioid and overdose crisis by establishing standards for medical practice and insurance coverage in Medicaid programs and commercial insurance markets that appropriately ensure coverage of nonopioid pain management options;

WHEREAS, the availability of safe and effective pain management represents an important battle to advance health equity; and

WHEREAS, pursuing health equity necessitates that Black Americans have equitable access to appropriate pain management options, including non-opioid pharmacological pain management options.

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THEREFORE, BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) believes legislators should examine legislation to combat America's crisis of opioid overdose and addiction through expanded access to nonopioid options for pain management, including, but not limited to, nonopioid pain medications;

BE IT FURTHER RESOLVED, state governments should examine how to protect and expand access to non- opioid pharmacologic safe pain medications in their state Medicaid programs by ensuring that these medications are not subject to more restrictive utilization management requirements than the requirements applicable to opioid or narcotic pharmacologic pain medications;

BE IT FURTHER RESOLVED, states should examine legislation or regulation to require parity in coverage and cost sharing between opioid and non-opioid pharmacologic pain medications in commercial insurance as applicable, especially in light of recent regulatory changes by the U.S. Department of Health and Human Services to remove a requirement that states defray costs of state insurance coverage mandates in certain cases; and

BE IT FINALLY RESOLVED, states should examine their Essential Health Benefits (EHB) benchmark plans under the Affordable Care Act TO establish coverage parity for non-opioid pharmacologic pain medications and coverage of multiple non-opioid pharmacologic pain medications.

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**Sponsored by: Sen. Tonya Anderson (GA)**

**Policy Committee: Health and Human Services (HHS)**