

May 17, 2023

The Honorable Xavier Becerra
Secretary, Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

Dear Secretary Becerra,

As Governors, we write to you with great urgency concerning the continuing epidemic caused by the opioid crisis in our states and local communities. As the Biden Administration continues to do everything in its power to address this deadly epidemic, there is one straight-forward step we believe the Centers for Medicare & Medicaid Services (CMS) can take expeditiously to decrease abuse and resulting deaths from opioids, including the prevention of opioid addiction before it begins.

On December 29th, 2022, the Consolidated Appropriations Act, 2023 was signed into law. This law included the *Non-Opioids Prevent Addiction in the Nation (NOPAIN) Act* – a truly bipartisan bill – that aims to prevent opioid addiction by increasing access to and use of non-opioid pain management approaches. While its effective date is January 1, 2025, we ask you to consider expediting its implementation by a full year to January 1, 2024.

In 2021, 1.1 million Medicare beneficiaries were diagnosed with an opioid use disorder. Further, the number of Americans aged 65 and older who died as the result of a natural or semisynthetic opioid overdose increased 63 percent between 2012 and 2020. The NOPAIN Act is designed to ensure the widespread availability of non-opioid pain management approaches to Medicare patients undergoing an outpatient surgical procedure in any setting. In doing so, the NOPAIN Act minimizes unnecessary exposure to opioid painkillers, reducing rates of opioid addiction after surgery and in the process, saving lives.

Recognizing the positive impact of this policy change, CMS has already taken steps to encourage the use of non-opioid pain management. Beginning in 2019, CMS started providing separate payment for the administration of non-opioid pain management approaches in the ambulatory surgery center setting. Since that change, utilization of non-opioid pain management medicines increased substantially, including a 120 percent increase from 2019 to 2020. Expanding this policy to include hospital outpatient departments, where the bulk of outpatient surgeries occur, is critical to preventing opioid abuse.

Furthermore, while this legislation is specific to Medicare beneficiaries, changes in Medicare payment policy often cascade to other health insurance programs, including Medicaid and

private plans. It is our hope that swift implementation of the NOPAIN Act will increase access to non-opioid pain management options for Americans more broadly, regardless of their health coverage.

Again, we urge you to expedite implementation of the NOPAIN Act by a full year to January 1, 2024. Thank you for your consideration.

Sincerely,



Governor Jared Polis
State of Colorado



Governor Ned Lamont
State of Connecticut



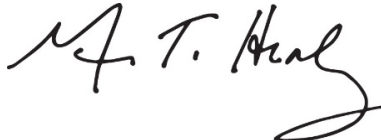
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