



May 16, 2025

Dear Director:

On behalf of Voices for Non-Opioid Choices (“Voices”), we appreciate everything you and your state are doing to combat the opioid crisis – which continues to claim the lives of more than 150 Americans every day. As such, we hope that your state will continue to dedicate resources towards needed efforts to prevent opioid addiction before it starts, including by ensuring unfettered access to non-opioids in the outpatient surgical setting.

Voices was founded in 2019 to advocate for policy changes to prevent opioid addiction in the United States. Voices – and our tens of thousands of advocates and more than 200 member organizations from around the country – believe there is an opportunity to prevent opioid addiction before it starts by employing alternative interventions to manage acute pain. This is particularly true in opioid-naïve patients and for patients who become newly persistent opioid users following exposure to opioid-based pain medications after surgery.

There are tens of millions of outpatient surgical procedures performed every year in the United States. Ninety percent of these patients receive opioids to manage their postsurgical pain – despite the known risk factors associated with opioid-based pain management and limitations placed on the quantities of opioids that can be prescribed. As a result, between 6 and 20 percent of these patients will become newly persistent opioid users every year and are still taking opioids six months after exposure. Some of these patients will graduate from prescription opioid pills to other forms of illicit opioids. Some will overdose. And some will die.

Fortunately, we can prevent this troubling path to addiction by increasing access to and use of non-addictive pain approaches. There are a number of FDA-approved non-opioid products currently on the market – and more on the way – that are safe and effective in providing postsurgical analgesic support for patients, while diminishing—or in some cases, eliminating—the need for opioids. Unfortunately, these approaches are widely underutilized because of a lack of patient and provider awareness of such approaches and short-term economic considerations.

The U.S. Centers for Medicare and Medicaid Services (CMS) is well aware of the obstacles that payment policy places on access to non-addictive pain approaches. That is why, in 2019, CMS implemented a policy change to provide separate payment for the use of non-opioid pain approaches in ambulatory surgery centers (ASCs). This policy change was an immediate success as use of non-addictive pain approaches doubled. Unfortunately, separate payment was limited to those procedures performed in an ASC setting. This left tens of millions of outpatient surgery patients without access to a non-opioid option.

This disparity led to federal policy intervention. In December of 2022, federal legislation was enacted that would ensure patient access to non-opioid options in both the ASC and hospital settings by extending separate payment for the use of such approaches to both hospitals and ASCs for three years.

This policy went into effect on January 1, 2025. We believe that this policy change will meaningfully increase access to non-addictive approaches.

However, systemic change can be difficult to implement, as it often requires time to adapt new pain management protocols, update treatment recommendations and change provider practices. Many providers successfully utilize prescription opioids for the majority of their patients and are trained in opioid-based pain protocols. Similarly, patients often lack the wherewithal or knowledge to advocate for non-opioid approaches.

We hope to partner with you and your state to address this challenge.

To date, there have been tens of billions of dollars made available to states around the country from litigation settlements. Many states have used such funds for worthwhile causes such as purchasing overdose-reversing medications, support for first responders, mental health resources, and more. We urge you and your state to consider other ways to use such funds, including with an eye towards preventing opioid addiction before it starts.

One opportunity could be to leverage some of these settlement resources towards more intentional efforts centered on provider and patient awareness of non-opioid pain management options. Such tools could include information on separately reimbursed non-opioid products, their efficacy data, key utilization considerations, as well as more patient-specific resources intended to equip patients, families, and others with information to ask their healthcare providers about their postsurgical pain management options. These resources are exceedingly important now that federal policy changes have made such options more widely available than ever before.

Voices would welcome the opportunity to partner with your state in the development and dissemination of such materials. As such, we would welcome an opportunity to further discuss the payment landscape and awareness gap that exists and how we might address this together. We stand ready to work together on this opportunity to prevent opioid addiction in your state and save lives.

Thank you for your consideration and please do not hesitate to be in touch with any questions, comments, or concerns.

Sincerely,

A handwritten signature in dark ink, appearing to read 'CMFX', with a stylized, cursive-like flow.

Chris Fox
Executive Director
Voices for Non-Opioid Choices
www.nonopioidchoices.org