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Chronic Pain Management Program

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To: A.C.L.U. of Florida
4500 Biscayne Boulevard, Suite #340
Miami, Florida 33137

07/31/05

Re: Pain Management and the Florida Medical Boards' Failure to Protect the Public's Safety

To whom it may concern,

I am a pain management physician, practicing in North Miami, Florida. As a consciences practitioner in this field, I allow no more than 60 people into my chronic pain management program at any one time. While this allows me to provide an extremely high quality of care to my patients, it rewards me with a very modest income. Therefore, I lack sufficient funds to hire an attorney, and this is why I am contacting you.

Due to the manner in which the Florida medical boards allow physicians to practice pain management in our state, more people die from overdoses on prescribed pain medications than from all illicit drugs like heroin and cocaine combined. This fact has been documented in the Florida Department of Law Enforcement's (FDLE) drug death statistics for both 2003 and 2004 (annual compilations of medical examiner reports from around the state).

Being an osteopathic physician, in early July I faxed a letter regarding this travesty to Ms. Pam King, Executive Director of the Florida Osteopathic Board of Medicine (see copy attached - dated 07/06/05). In the letter, I proposed that the board implement a new rule that would limit the number of patients a physician could see for pain management, thus shutting down the "pill-mill" clinics that provide people easy access to pain medications. I was under the impression that, given the gravity of the situation, the medical boards would move swiftly to correct this disaster.

Unfortunately, after I faxed my letter, I was told that the planned meeting is scheduled for September 19th of this year - still seven weeks from today. I was shocked that the board did not view this as an emergency situation requiring immediate attention. We have no reason to assume things are not getting worse, as the death rate from prescribed pain medications increased 22% from 2003 to 2004 (as per the FDLE). However, assuming the 2004 drug death rate remains unchanged in 2005, six people needlessly die every day from the irresponsible manner in which physicians prescribe pain medications in our state. That means, from the writing of my letter to when the boards plan to meet in September, 300 more people will be dead.

During the month of July, I sent thousands of emails to people throughout the state, including the

Governor's office, the Florida Department of Health, both osteopathic medical schools in our state, and the health editors of every major newspaper in Florida. I asked them to put pressure on the boards to act sooner. For the most part, none of them responded. I even sent an email to Ms. King asking if there were any statutes or rules in the Florida Administrative Code that would allow them to act sooner on an emergency basis (copy attached - dated 07/28/05). To date, I have received no response.

I will be addressing the medical boards on September 19th regarding the problem of pain management in our state. In preparation for that meeting, I have revised the rule I originally sent to Ms. King, removing a loop-hole and making it more precise (see copy attached - dated 07/31/05). However, given that the medical boards have failed to act in the face of the FDLE data for 2003 and 2004, I am not convinced that they will take decisive and prompt action at that meeting in order to protect the public's safety.

I am writing to you, the A.C.L.U., to ask if you will bring suit against the Florida Osteopathic Board of Medicine, and the Florida Board of Medicine, for failure to fulfill their duty to protect the public's safety as dictated by Florida Statute 459.001 and 459.015. Because of their inaction, thousands of Floridians died last year at the hands of unscrupulous physicians, and at least 1,272 more people have likely died so far this year.

What better way to deny people their civil liberties than to murder them. The last time I can recall such a state sanctioned program was during the 1930's and 1940's in Europe. Today, the Florida medical boards have taken this concept one step further, allowing physicians to kill people for profit by dealing drugs under the guise of pain management.

I hope you will find this travesty worthy of your time and attention.

Sincerely,

Dr. Robert Ben Mitchell, D.O.

Attached: 1. Letter to Ms. Pam King (07/06/05).
 2. Email to Ms. Pam King (07/28/05).
 3. Letter to Ms. Pam King (07/31/05).