



# NHCSL

THE NATIONAL HISPANIC CAUCUS OF STATE LEGISLATORS

## RESOLUTION

**No. 2024-08**

### **Removing Barriers to Access to Alternative Therapies for the Treatment of Pain**

Reported to the Caucus by the NHCSL Health Task Force  
Rep. Alma Hernández (AZ) Chair

**Sponsored by Sen. Wlmsvey Campos (OR), Rep. Lillian Ortiz-Self (WA)  
and Rep. Louis Ruiz (KS)**

Unanimously ratified by the Caucus on November 23, 2024

- 1 **WHEREAS**, the crisis of opioid addiction and overdose continues to be an urgent national  
2 problem;<sup>1</sup> and,
- 3 **WHEREAS**, the National Center for Health Statistics at the Centers for Disease Control and  
4 Prevention (CDC) reports that more than 107,000 lives were lost from drug-involved  
5 overdoses in 2022,<sup>2</sup> with more than 75 percent of drug overdose deaths involving opioids<sup>3</sup>  
6 and nearly 15,000 opioid overdose deaths in 2022 involved prescription opioids;<sup>4</sup> and,
- 7 **WHEREAS**, the rate of drug overdose deaths among Hispanic Americans continues to rise --  
8 from 21.1 drug overdose deaths per 100,000 population in 2021 to 22.7 drug overdose

---

<sup>1</sup> See the most recently renewed emergency declaration by Secretary of Health and Human Services (HHS) Xavier Becerra on March 27, 2024 at <https://aspr.hhs.gov/legal/PHE/Pages/Opioid-25Mar2024.aspx>

<sup>2</sup> <https://www.cdc.gov/nchs/products/databriefs/db491.htm>

<sup>3</sup> <https://nida.nih.gov/research-topics/trends-statistics/overdose-death-rates>

<sup>4</sup> <https://nida.nih.gov/research-topics/trends-statistics/overdose-death-rates#:~:text=Drug%20overdose%20deaths%20involving%20prescription,of%20deaths%20declined%20to%2014%2C716>

9 deaths per 100,000 population in 2022 -- while the rate of overdose deaths in the general  
10 population has been essentially flat during this period;<sup>5</sup> and,

11 **WHEREAS**, almost two decades ago, in [Resolution 2006-07](#), NHCSL adopted an approach to  
12 drug policy that prioritizes public health, not criminal justice, and is “measured by a standard  
13 that reduces the harms of both drug abuse and unjust drug policies within our communities;”  
14 and,

15 **WHEREAS**, in [Resolution 2018-17](#), NHCSL called for legislation to give legal protection to  
16 people who suffer from opioid problems or are prone to suffer opioid related overdoses, or  
17 call an emergency service regarding an overdose; further provision for Naloxone availability  
18 and legislation to encourage prescription and require coverage of in-home electronic  
19 monitoring using the best technologies available for patients who have been prescribed  
20 opioids or who are being treated for a suspected opioid overdose; and,

21 **WHEREAS**, that resolution took into account that opioids are within a class of drugs that not  
22 only includes the illegal drugs heroin and illicit fentanyl, but also legal medicines prescribed  
23 for pain management; and,

24 **WHEREAS**, the CDC issued updated guidance in 2022 emphasizing that nonopioid therapies  
25 are at least as effective as opioids for many common types of acute pain, and recommending  
26 that clinicians maximize use of nonopioid pharmacologic therapies as appropriate because  
27 they do not carry the same risks as opioids;<sup>6</sup> and,

28 **WHEREAS**, states can play an important role in combating the opioid crisis by establishing  
29 standards for medical practice and insurance coverage in Medicaid programs and  
30 commercial insurance markets; and,

31 **WHEREAS**, recent reforms by the United States Department of Health and Human Services  
32 remove requirements for states to defray costs of state insurance coverage mandates in  
33 certain circumstances.<sup>7</sup>

34 **THEREFORE, BE IT RESOLVED**, the National Hispanic Caucus of State Legislators  
35 recognizes the need for further steps to combat our country’s crisis of opioid overdose and  
36 addiction through expanded access to non-opioid options for pain management, including,  
37 but not limited to, non-opioid pharmacologic pain medications; and,

38 **BE IT FURTHER RESOLVED**, that the National Hispanic Caucus of State Legislators urges  
39 states to secure and expand access to non-opioid pharmacologic pain medications in their  
40 state Medicaid programs by ensuring that such medications are not subject to more

---

<sup>5</sup> <https://www.cdc.gov/nchs/products/databriefs/db491.htm>

<sup>6</sup> <https://www.cdc.gov/mmwr/volumes/71/rr/rr7103a1.htm>

<sup>7</sup> Patient Protection and Affordable Care Act, HHS Notice of Benefit and Payment Parameters for 2025; Updating Section 1332 Waiver Public Notice Procedures; Medicaid; Consumer Operated and Oriented Plan (CO-OP) Program; and Basic Health Program, 89 Fed. Reg. 26,218 (Apr. 15, 2024)

41 restrictive or onerous utilization management requirements than opioid pharmacologic pain  
42 medications; and,

43 **BE IT FURTHER RESOLVED**, that the National Hispanic Caucus of State Legislators  
44 recommends states undertake legislation or regulation to require parity in coverage and  
45 cost-sharing between opioid and non-opioid pharmacologic pain medications in commercial  
46 insurance; and,

47 **BE IT FINALLY RESOLVED**, that the National Hispanic Caucus of State Legislators  
48 recommends states ensure that their state Essential Health Benefits (EHB) benchmark plans  
49 establish coverage parity for non-opioid pharmacologic pain medications and require  
50 coverage of several non-opioid pharmacologic pain medications.

51 THE NHCSL HEALTHCARE TASK FORCE, AT ITS MEETING OF JULY 9, 2024, UNANIMOUSLY  
52 RECOMMENDED THIS RESOLUTION TO THE EXECUTIVE COMMITTEE FOR APPROVAL.

53 THE EXECUTIVE COMMITTEE UNANIMOUSLY APPROVED THIS RESOLUTION AT ITS  
54 MEETING OF JULY 13, 2024.

55 THE NATIONAL HISPANIC CAUCUS OF STATE LEGISLATORS UNANIMOUSLY RATIFIED  
56 THIS RESOLUTION AT ITS ANNUAL MEETING OF NOVEMBER 23, 2024 IN DENVER,  
57 COLORADO.