

Suspend the Rules and Pass the Bill, H.R. 5009, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

115TH CONGRESS
2^D SESSION

H. R. 5009

To include information concerning a patient's opioid addiction in certain medical records.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2018

Mr. WALBERG (for himself, Mrs. DINGELL, Mr. JENKINS of West Virginia, Ms. SHEA-PORTER, Mr. MEEHAN, Mr. MACARTHUR, Mrs. HARTZLER, and Mr. LATTA) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To include information concerning a patient's opioid addiction in certain medical records.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as “Jessie’s Law”.

5 **SEC. 2. INCLUSION OF OPIOID ADDICTION HISTORY IN PA-**
6 **TIENT RECORDS.**

7 (a) BEST PRACTICES.—

1 (1) IN GENERAL.—Not later than 1 year after
2 the date of enactment of this Act, the Secretary of
3 Health and Human Services, in consultation with
4 appropriate stakeholders, including a patient with a
5 history of opioid use disorder, an expert in electronic
6 health records, an expert in the confidentiality of pa-
7 tient health information and records, and a health
8 care provider, shall identify or facilitate the develop-
9 ment of best practices regarding—

10 (A) the circumstances under which infor-
11 mation that a patient has provided to a health
12 care provider regarding such patient’s history of
13 opioid use disorder should, only at the patient’s
14 request, be prominently displayed in the med-
15 ical records (including electronic health records)
16 of such patient;

17 (B) what constitutes the patient’s request
18 for the purpose described in subparagraph (A);
19 and

20 (C) the process and methods by which the
21 information should be so displayed.

22 (2) DISSEMINATION.—The Secretary shall dis-
23 seminate the best practices developed under para-
24 graph (1) to health care providers and State agen-
25 cies.

1 (b) REQUIREMENTS.—In identifying or facilitating
2 the development of best practices under subsection (a), as
3 applicable, the Secretary, in consultation with appropriate
4 stakeholders, shall consider the following:

5 (1) The potential for addiction relapse or over-
6 dose, including overdose death, when opioid medica-
7 tions are prescribed to a patient recovering from
8 opioid use disorder.

9 (2) The benefits of displaying information
10 about a patient’s opioid use disorder history in a
11 manner similar to other potentially lethal medical
12 concerns, including drug allergies and contraindica-
13 tions.

14 (3) The importance of prominently displaying
15 information about a patient’s opioid use disorder
16 when a physician or medical professional is pre-
17 scribing medication, including methods for avoiding
18 alert fatigue in providers.

19 (4) The importance of a variety of appropriate
20 medical professionals, including physicians, nurses,
21 and pharmacists, to have access to information de-
22 scribed in this section when prescribing or dis-
23 pensing opioid medication, consistent with Federal
24 and State laws and regulations.

1 (5) The importance of protecting patient pri-
2 vacy, including the requirements related to consent
3 for disclosure of substance use disorder information
4 under all applicable laws and regulations.

5 (6) All applicable Federal and State laws and
6 regulations.

7 **SEC. 3. COMMUNICATION WITH FAMILIES DURING EMER-**
8 **GENCIES.**

9 (a) **PROMOTING AWARENESS OF AUTHORIZED DIS-**
10 **CLOSURES DURING EMERGENCIES.**—The Secretary of
11 Health and Human Services, acting through the Adminis-
12 trator of the Centers for Medicare & Medicaid Services
13 and the Administrator of the Health Resources and Serv-
14 ices Administration, shall annually develop and dissemi-
15 nate written materials (electronically or by other means)
16 to health care providers regarding permitted disclosures
17 under Federal health care privacy law during emergencies,
18 including overdoses, of certain health information to fami-
19 lies, caregivers, and health care providers.

20 (b) **USE OF MATERIAL.**—For the purposes of car-
21 rying out subsection (a), the Secretary of Health and
22 Human Services may use material produced under section
23 11004 of the 21st Century Cures Act (42 U.S.C. 1320d-
24 2 note).