



MEMORANDUM

January 9, 2020

To: Subcommittee on Oversight and Investigations Members and Staff

Fr: Committee on Energy and Commerce Staff

Re: Hearing on “A Public Health Emergency: State Efforts to Curb the Opioid Crisis”

On Tuesday, January 14, 2020, at 10 a.m. in the John D. Dingell Room, 2123 of the Rayburn House Office Building, the Subcommittee on Oversight and Investigations will hold a hearing entitled, “A Public Health Emergency: State Efforts to Curb the Opioid Crisis.” The hearing will examine state efforts and successes in addressing the opioid epidemic, as well as opportunities for future federal support.

I. OPIOID EPIDEMIC IN THE UNITED STATES

The Centers for Disease Control and Prevention (CDC) describes the current rate of opioid overdoses in the United States as an epidemic.¹ From 1999–2017, nearly 400,000 people died from opioid overdoses.² Additionally, in 2017 alone, more than 70,000 people died due to drug overdose in the United States, with more than 47,000 (or 68 percent) of these deaths involving opioids.³ CDC reports that, on average, 130 people die from an opioid overdose every day.⁴

The opioid crisis in the United States has evolved through different stages along with the rapid rise in opioid overdose deaths involving prescription and illicit opioids.⁵ The first wave

¹ Centers for Disease Control and Prevention, Opioid Overdose: Understanding the Epidemic (www.cdc.gov/drugoverdose/epidemic/) (accessed Dec. 17, 2019).

² Centers for Disease Control and Prevention, Opioid Data Analysis and Resources (<https://www.cdc.gov/drugoverdose/data/analysis.html>) (accessed Dec. 8, 2019).

³ Centers for Disease Control and Prevention, Opioid Overdose: Drug Overdose Deaths (www.cdc.gov/drugoverdose/data/statedeaths.html) (accessed Dec. 17, 2019).

⁴ Centers for Disease Control and Prevention, America’s Drug Overdose Epidemic: Data to Action (www.cdc.gov/injury/features/prescription-drug-overdose/index.html) (accessed Jan. 6, 2020).

⁵ Centers for Disease Control and Prevention, Opioid Overdose: Understanding the Epidemic (www.cdc.gov/drugoverdose/epidemic/) (accessed Dec. 17, 2019).

began with increased prescribing of opioids in the 1990s, with overdose deaths largely involving prescription opioids.⁶ The second wave began in 2010, with rapid increases in overdose deaths involving heroin.⁷ The third wave began in 2013, with significant increases in overdose deaths involving synthetic opioids, including illicitly-manufactured fentanyl, which may be used on its own or in combination with other illicit substances.⁸

In addition to these ongoing concerns regarding opioid use, states have also recently seen a growing reemergence of deaths related to methamphetamine and cocaine use.⁹ According to provisional data from CDC, there were more than twice as many deaths involving methamphetamine in 2018 compared to 2015, and the rate of overdose deaths involving methamphetamines is increasing while the rate of opioid fatalities has flattened.¹⁰

II. CONGRESSIONAL AND COMMITTEE ACTION

As the number of deaths due to opioid overdose has continued to increase, Congress and this Committee have taken numerous steps to better understand the extent of the epidemic and ways to assist states in their efforts to combat the proliferation of prescription and illicit opioids in communities across the country. For instance, in 2016, Congress passed the Comprehensive Addiction and Recovery Act (CARA) and the 21st Century Cures Act.¹¹ Both laws authorized funding to address substance use disorder treatment, recovery, and prevention.¹²

In addition, in 2018, Congress passed the Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act (SUPPORT Act).¹³ The SUPPORT Act authorized opioid-specific funding and expanded access to substance use disorder treatment and resources; increased opioid abuse and overdose prevention training;

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *A New Drug Scourge: Deaths Involving Meth are Rising Fast*, New York Times (Dec. 17, 2019).

¹⁰ National Center for Health Statistics, *Provisional Drug Overdose Death Counts* (www.cdc.gov/nchs/nvss/vsrr/drug-overdose-data.htm) (accessed Jan. 7, 2019); *A New Drug Scourge: Deaths Involving Meth are Rising Fast*, New York Times (Dec. 17, 2019).

¹¹ Comprehensive Addiction and Recovery Act, Pub. L. No. 114-198; 21st Century Cures Act, Pub. L. No. 114-255.

¹² *Id.* See also Department of Health and Human Services, *HHS Provides States Second Installment of Grant Awards to Combat Opioid Crisis* (Apr. 18, 2018) (press release).

¹³ Substance Use Disorder Prevention that Promotes Opioid Recovery and Treatment (SUPPORT) for Patients and Communities Act, Pub. L. No. 115-271 (2018).

improved coordination and quality of care; and strengthened Food and Drug Administration (FDA) and law enforcement's ability to combat illicit opioids.¹⁴

Congress also provided additional resources through annual appropriations funding. The fiscal year (FY) 2018 Omnibus provided \$3.7 billion to fight the opioid epidemic, including \$1 billion to states and tribes for treatment and prevention.¹⁵ The FY 2019 Defense, Labor, Health and Human Services, and Education (LHHS) appropriations package made available additional substance use disorder treatment funding, including \$1.5 billion through State Opioid Response grants.¹⁶ The final FY 2020 funding package continued this investment at the same level while also allowing grantees to use this funding to address stimulant use.¹⁷

Earlier this Congress, the House passed \$10 billion of opioid funding in H.R. 3, the Elijah E. Cummings Lower Drug Costs Now Act.¹⁸ The bill includes direct funds to support opioid related activities at the Centers for Disease Control and Prevention, Food and Drug Administration, Substance Abuse and Mental Health Services Administration, National Institutes of Health, Health Resources and Services Administration, and the Administration for Children and Families.¹⁹

Further, the Subcommittee has held multiple hearings on the opioid crisis.²⁰ These hearings highlighted, among other things, some of the root causes of the crisis, the role of drug distributors and the Drug Enforcement Administration's (DEA) efforts to combat opioids, the evolution of fentanyl abuse, and testimony from state and local addiction treatment experts and federal officials.

¹⁴ *Id.*

¹⁵ Consolidated Appropriations Act, 2018, Pub. L. No. 115-141.

¹⁶ Department of Defense and Labor, Health and Human Services, and Education Appropriations Act, 2019 and Continuing Appropriations Act, 2019, Pub. L. No. 115-245.

¹⁷ Further Consolidated Appropriations Act, 2020, Pub. L. No. 116-94.

¹⁸ H.R. 3.

¹⁹ *Id.*

²⁰ House Committee on Energy and Commerce, Subcommittee on Oversight and Investigations, *Fentanyl: The Next Wave of the Opioid Crisis*, 115th Cong. (Mar. 21, 2017); House Committee on Energy and Commerce, Subcommittee on Oversight and Investigations, *Combating the Opioid Crisis: Battles in the States*, 115th Cong. (July 10, 2017); House Committee on Energy and Commerce, Subcommittee on Oversight and Investigations, *The Drug Enforcement Agency's Role in Combating the Opioid Epidemic*, 115th Cong. (Mar. 20, 2018); House Committee on Energy and Commerce, Subcommittee on Oversight and Investigations, *Combating the Opioid Epidemic: Examining Concerns About Distribution and Diversion*, 115th Cong. (May 8, 2018); House Committee on Energy and Commerce, Subcommittee on Oversight and Investigations, *Oversight of Federal Efforts to Combat the Spread of Illicit Fentanyl*, 116th Cong. (Jul. 16, 2019).

III. STATE ACTIONS TO ADDRESS THE OPIOID ABUSE CRISIS

States are on the front lines of this crisis given their broad authority to regulate the prescribing and dispensing of prescription drugs.²¹ States provide treatment and recovery support services to those suffering from substance use disorder. For example, in North Carolina, Local Management Entities/Managed Care Organizations help coordinate care for those suffering from substance use disorder.²² In addition, Pennsylvania has implemented a Warm Handoff program where health providers give face-to-face introductions to substance use specialists to give referrals into substance abuse treatment.²³

On September 19, 2019, the Committee sent 16 bipartisan letters to states seeking information as to how each state has addressed the opioid crisis with the support of federal funding.²⁴ Among other things, these letters sought information to better understand the approaches being utilized by the states and the challenges they face as they respond to the opioid crisis. The Committee received responses from all 16 states. States discussed how federal funds have enabled them to expand opioid treatment, prevention, and recovery efforts, among other things.

This hearing will provide five key states who received this letter with an opportunity to discuss ongoing efforts to curb the opioid epidemic, as well as areas of additional support Congress can consider. The hearing will also explore whether federal funds have enabled states to expand evidence-based treatment, and whether states have adequate flexibility to respond to this ever-evolving crisis.

IV. WITNESSES

The following witnesses have been invited to testify:

Nicole Alexander-Scott, M.D.
Director, Department of Health
State of Rhode Island

²¹ Centers for Disease Control and Prevention, *Promising State Strategies* (www.cdc.gov/drugoverdose/policy/index.html) (accessed Jan. 6, 2020).

²² North Carolina Department of Health and Human Services, *Treatment* (www.ncdhhs.gov/about/department-initiatives/opioid-epidemic/treatment) (accessed Jan. 6, 2020).

²³ Pennsylvania Department of Health, *Opioid Epidemic* (www.health.pa.gov/topics/disease/Opioids/Pages/Opioids.aspx) (accessed Jan. 6, 2020).

²⁴ Specifically, the Committee sent letters to Florida, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, Tennessee, West Virginia, and Wisconsin. *See* House Committee on Energy and Commerce, *E&C Bipartisan Leaders Seek Information from States on Use of Federal Funds to Respond to Opioid Crisis* (Sept. 19, 2019) (press release).

Monica Bharel, M.D.

Commissioner, Department of Public Health
Commonwealth of Massachusetts

Kody Kinsley

Deputy Secretary, Behavioral Health and Intellectual and Developmental Disabilities
Department of Health and Human Services
State of North Carolina

Christina Mullins

Commissioner, Bureau for Behavioral Health
Department of Health and Human Resources
State of West Virginia

Jennifer Smith

Secretary, Department of Drug and Alcohol Programs
Commonwealth of Pennsylvania