

ONE HUNDRED SIXTEENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

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Minority (202) 225-3641

February 4, 2020

Kody Kinsley
Deputy Secretary
Behavioral Health and Intellectual and Developmental Disabilities
North Carolina Department of Health and Human Services
2001 Mail Service Center
Raleigh, NC 27699-2000

Dear Mr. Kinsley:

Thank you for appearing before the Subcommittee on Oversight and Investigations on Tuesday, January 14, 2020, at the hearing entitled "A Public Health Emergency: State Efforts to Curb the Opioid Crisis." We appreciate the time and effort you gave as a witness before the Subcommittee on Oversight and Investigations.

Pursuant to Rule 3 of the Committee on Energy and Commerce, members are permitted to submit additional questions to the witnesses for their responses, which will be included in the hearing record. Attached are questions directed to you from certain members of the Committee. In preparing your answers to these questions, please address your responses to the member who has submitted the questions using the Word document provided with this letter.

To facilitate the publication of the hearing record, please submit your responses to these questions by no later than the close of business on Wednesday, February 19, 2020. As previously noted, your responses to the questions in this letter, as well as the responses from the other witnesses appearing at the hearing, will all be included in the hearing record. Your responses should be transmitted by email in the Word document provided with this letter to Benjamin Tabor with the Committee staff (benjamin.tabor@mail.house.gov). A paper copy of your responses is not required. Using the Word document provided for submitting your responses will also help maintain the proper format for incorporating your answers into the hearing record.

Mr. Kody Kinsley

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Thank you for your prompt attention to this request. If you need additional information or have other questions, please contact Mr. Tabor at (202) 225-2927.

Sincerely,

A handwritten signature in blue ink that reads "Frank Pallone, Jr." The signature is written in a cursive, flowing style.

Frank Pallone, Jr.
Chairman

Attachment

cc: Hon. Greg Walden, Ranking Member
Committee on Energy and Commerce

Hon. Diana DeGette, Chair
Subcommittee on Oversight and Investigations

Hon. Brett Guthrie, Ranking Member
Subcommittee on Oversight and Investigations

**Committee on Energy and Commerce
Subcommittee on Oversight and Investigations**

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

January 14, 2020

**Mr. Kody Kinsley, Deputy Secretary, Behavioral Health and Intellectual and
Developmental Disabilities, North Carolina Department of Health and Human Services**

The Honorable Brett Guthrie (R-KY)

1. As you may be aware, section 7063 of the SUPPORT Act (P.L. 115-271) encourages public-private partnerships to assist with addressing the opioid crisis, specifically for infants with Neonatal Abstinence Syndrome (NAS) and their mothers. While section 7063 is specific to the Substance Abuse and Mental Health Services Administration (SAMHSA) efforts, could you provide information on how your state is using public-private partnerships. In addition, please provide areas of need for where the federal government can work with other entities to better leverage community resources.
2. Are treatment programs in your state able to share substance use disorder medical records so that they can coordinate care for patients with opioid use disorder?
 - a. Is your state struggling with getting patients to outpatient treatment centers due to the inability of providers to see a patient's full substance use disorder medical record?
 - b. Are there policies that Congress can fix to help states with improving outcomes for substance use disorder and lower the costs of increased Medicaid spending in emergency departments?
3. Do you think it makes sense to revise the 42 CFR privacy regulations to allow doctors to communicate about patients with substance use disorder, in other words to treat privacy issues around substance use disorder the same way we treat other mental health disorders or physical medical conditions?
4. In Fiscal Year (FY) 2019 and FY 2020, Congress approved funding for the Centers for Disease Control and Prevention's (CDC) Overdose to Action OD2A grants, which primarily go to states, but has a requirement that 20 percent of the prevention funds go to local health departments. How is your state working with local jurisdictions to ensure that these funds reach local communities?

5. How is your state partnering with localities to ensure that they can help inform the state's strategy in addressing opioid misuse?
6. How are your state and local health departments working in partnership once the state receives grant dollars to ensure local communities have the resources that they need to address substance misuse and prevent substance use disorders and overdoses?
7. We know that many of the interventions needed to address substance use disorder rely on a strong public health workforce, but there is currently a workforce shortage in the behavioral health space. What types of professionals are needed in your state to help address the opioid crisis, and to prevent future crises, as well?
8. The federal government has appropriated millions of dollars to fund Prescription Drug Monitoring Programs (PDMP) through the Hal Rogers program and others. According to the White House Office of the National Drug Control Policy (ONDCP) PDMPs are "a tool that can be used to address prescription drug diversion and abuse." What challenges still exist with PDMPs?
 - a. How much has your state received and spent on its PDMP to date?
 - b. Is there any data or reports that detail the positive outcomes from utilizing a PDMP?
9. Some concerns with PDMPs include a lack of real time data and a lack of interoperability with other states. Do you agree PDMPs face these challenges?
 - a. If so, are these challenges preventing prescribers and pharmacists from having access to all of the information needed to make an informed decision about whether to prescribe or dispense?
 - b. If so, how can we address these problems and improve PDMPs?
10. Does your state's PDMP use HIPAA standards or any named federal standard for data transmission?
11. Many states are able to share PDMP data across state lines. However, it is my understanding that even if states are connected to an information hub, those states may not have access to state information for all other states connected to that same hub. Is that an issue that your state faces and/or that you are aware is an issue in other states?
 - a. Would states having the ability to access information across all state lines assist in fighting the epidemic?
12. What were the circumstances that you believe led to the opioid crisis in your state?

13. How does your state ensure that opioid federal grant funds are not diverted for unauthorized purposes?
14. How does your state ensure that opioid-related federal grant funds are going directly to the communities most affected by the opioid crisis?

The Honorable Bob Latta (R-OH)

1. In addition to the STR and SOR grants, how many other federal grants have your states received related to opioids or substance use disorder prevention and treatment?
2. I understand that the various federal grant programs have different requirements, timelines, applications, etc. How does this administrative burden impact your state?
 - a. Would it be helpful for the federal opioids and substance use disorder grants to have more standardized application requirements and processes?