



April 13, 2021

The Honorable Anna Eshoo
Chairwoman
House Committee on Energy & Commerce
Subcommittee on Health
Washington, D.C. 20515

The Honorable Brett Guthrie
Ranking Member
House Committee on Energy & Commerce
Subcommittee on Health
Washington, D.C. 20515

Dear Chairwoman Eshoo and Ranking Member Guthrie:

On behalf of the Healthcare Leadership Council (HLC), we thank you for holding a hearing on, “An Epidemic Within a Pandemic: Understanding Substance Use and Misuse in America.”

HLC is a coalition of chief executives from all disciplines within American healthcare. It is the exclusive forum for the nation’s healthcare leaders to jointly develop policies, plans, and programs to achieve their vision of a 21st century healthcare system that makes affordable high-quality care accessible to all Americans. Members of HLC –hospitals, academic health centers, health plans, pharmaceutical companies, medical device manufacturers, laboratories, biotech firms, health product distributors, post-acute care providers, homecare providers, and information technology companies –advocate for measures to increase the quality and efficiency of healthcare through a patient-centered approach.

The COVID-19 health pandemic has further exacerbated the substance use disorder (SUD) crisis in the United States. From May 2019 – June 2020, the number of deaths related to drug overdoses rose 20% and a record number of Americans died from overdoses.¹ Preliminary data expects 2020 to be the worst year on record for drug overdoses.² In order to respond to this crisis, Congress and federal agencies took swift action to ensure patients struggling with SUDs received proper care. We applaud the Drug Enforcement Agency’s (DEA) decision to temporarily waive in-person requirements to prescribe controlled substances. This has allowed patients to continue to receive important medications, particularly buprenorphine. HLC also thanks the Centers for Medicare and Medicaid Services (CMS) for finalizing regulations mandated under the *SUPPORT Act* that require providers to use electronic prescribing for controlled substances (EPCS). Requiring EPCS puts a more advanced monitoring system in place to ensure that controlled substances are only prescribed when necessary and allows for relevant authorities to monitor potential trends. We encourage Congress to work with federal agencies to further implement flexibilities that would allow for patients to receive important

¹ Usha Lee McFarling, *As the pandemic ushered in isolation and financial hardships, overdose deaths reached new heights*, STAT News (February 16, 2021), <https://www.statnews.com/2021/02/16/as-pandemic-ushered-in-isolation-financial-hardship-overdose-deaths-reached-new-heights/>.

² Chris Sweeney, *A crisis on top of a crisis: COVID-19 and the opioid epidemic*, Harvard T.H. Chan School of Public Health (February 16, 2021), <https://www.hsph.harvard.edu/news/features/a-crisis-on-top-of-a-crisis-covid-19-and-the-opioid-epidemic/>.

medications through the duration of the public health emergency (PHE) while maintaining robust safety and monitoring programs.

While HLC supports the regulatory flexibilities implemented during the PHE, Congress should further examine ways to combat the SUD crisis. We support efforts to permanently remove the “X-Waiver” required under the Drug Treatment Act of 2000 that requires providers to receive a special waiver from the DEA to prescribe buprenorphine. We also encourage Congress to allow patients to receive prescriptions for controlled substances via telemedicine permanently once the waivers under the PHE expire.

As stakeholders continue to respond to the growing SUD challenges, we encourage Congress to work with federal agencies and additional partners to continue to develop educational resources on appropriate use of controlled substances as well as resources to patients struggling with SUDs. These tools will allow stakeholders to take sustainable steps in responding to the substance use disorder crisis by identifying best practices in treatment decisions and ensure that patients have essential treatment options.

HLC, through its [National Dialogue for Healthcare Innovation](#), continues to be focused on ways to address the substance use disorder crisis and looks forward to collaborating on future steps to assist patients struggling with SUDs. Please feel free to contact Tina Grande at 202-449-3433 or tgrande@hlc.org with any questions.

Sincerely,

A handwritten signature in cursive script, reading "Mary R. Grealy".

Mary R. Grealy
President