

## Union Calendar No.

115<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3832

[Report No. 115-]

To direct the Secretary of Veterans Affairs to enter into a memorandum of understanding with the executive director of a national network of State-based prescription monitoring programs under which Department of Veterans Affairs health care providers shall query such network, and for other purposes.

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### IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 26, 2017

Mr. DUNN (for himself, Ms. TENNEY, Mr. POLIQUIN, Mr. ARRINGTON, and Mr. TONKO) introduced the following bill; which was referred to the Committee on Veterans' Affairs

MAY --, 2018

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on September 26, 2017]

## **A BILL**

To direct the Secretary of Veterans Affairs to enter into a memorandum of understanding with the executive director of a national network of State-based prescription monitoring programs under which Department of Veterans Affairs health care providers shall query such network, and for other purposes.

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 the “Veterans Opioid Abuse*  
5 *Prevention Act”.*

6 **SEC. 2. DEPARTMENT OF VETERANS AFFAIRS PARTICIPA-**  
7 **TION IN NATIONAL NETWORK OF STATE-**  
8 **BASED PRESCRIPTION DRUG MONITORING**  
9 **PROGRAMS.**

10 *(a) IN GENERAL.—Chapter 17 of title 38, United*  
11 *States Code, is amended by inserting after section 1730A*  
12 *the following new section:*

13 **“§1730B. Access to State prescription drug moni-**  
14 **toring programs**

15 *“(a) ACCESS TO PROGRAMS.—(1) Any licensed health*  
16 *care provider or delegate of such a provider shall be consid-*  
17 *ered an authorized recipient or user for the purpose of*  
18 *querying and receiving data from the national network of*  
19 *State-based prescription drug monitoring programs to sup-*  
20 *port the safe and effective prescribing of controlled sub-*  
21 *stances to covered patients.*

22 *“(2) Under the authority granted by paragraph (1)—*

23 *“(A) licensed health care providers or delegates of*  
24 *such providers shall query such network in accordance*

1       *with applicable regulations and policies of the Vet-*  
2       *erans Health Administration; and*

3           “(B) *notwithstanding any general or specific*  
4       *provision of law, rule, or regulation of a State, no*  
5       *State may restrict the access of licensed health care*  
6       *providers or delegates of such providers from accessing*  
7       *that State’s prescription drug monitoring programs.*

8           “(3) *No State shall deny or revoke the license, registra-*  
9       *tion, or certification of a licensed health care provider or*  
10       *delegate who otherwise meets that State’s qualifications for*  
11       *holding the license, registration, or certification on the basis*  
12       *that the licensed health care provider or delegate has queried*  
13       *or received data, or attempt to query or receive data, from*  
14       *the national network of State-based prescription drug moni-*  
15       *toring programs under this section.*

16           “(b) *COVERED PATIENTS.—For purposes of this sec-*  
17       *tion, a covered patient is a patient who—*

18           “(1) *receives a prescription for a controlled sub-*  
19       *stance; and*

20           “(2) *is not receiving palliative care or enrolled*  
21       *in hospice care.*

22           “(c) *DEFINITIONS.—In this section:*

23           “(1) *The term ‘controlled substance’ has the*  
24       *meaning given such term in section 102(6) of the*  
25       *Controlled Substances Act (21 U.S.C. 802(6)).*

1           “(2) *The term ‘delegate’ means a person or auto-*  
2           *mated system accessing the national network of State-*  
3           *based prescription monitoring programs at the direc-*  
4           *tion or under the supervision of a licensed health care*  
5           *provider.*

6           “(3) *The term ‘licensed health care provider’*  
7           *means a health care provider employed by the De-*  
8           *partment who is licensed, certified, or registered with-*  
9           *in any State to fill or prescribe medications within*  
10          *the scope of his or her practice as a Department em-*  
11          *ployee.*

12          “(4) *The term ‘national network of State-based*  
13          *prescription monitoring programs’ means an inter-*  
14          *connected nation-wide system that facilitates the*  
15          *transfer to State prescription drug monitoring pro-*  
16          *gram data across State lines.*

17          “(5) *The term ‘State’ means a State, as defined*  
18          *in section 101(20) of this title, or a political subdivi-*  
19          *sion of a State.”.*

20          **(b) CLERICAL AMENDMENT.**—*The table of sections at*  
21          *the beginning of chapter 17 of such title is amended by in-*  
22          *serting after the item relating to section 1730A the following*  
23          *new item:*

*“1730B. Access to State prescription drug monitoring programs.”.*

Amend the title so as to read: “A bill to amend title 38, United States Code, to provide for access by Department of Veterans Affairs health care providers to State prescription drug monitoring programs.”.