



MEMORANDUM

To: Subcommittee on Health Members and Staff
From: Committee on Energy and Commerce Majority Staff
Re: Health Subcommittee Hearing on June 21, 2023

The Subcommittee on Health will hold a hearing on Wednesday, June 21, 2023, at 10:00 a.m. (ET) in 2322 Rayburn House Office Building. The hearing is entitled “Responding to America’s Overdose Crisis: An Examination of Legislation to Build Upon the SUPPORT Act.”

I. Witnesses

- **Mr. Matthew Strait**, Deputy Assistant Administrator, Office of Diversion Control for the Drug Enforcement Administration
- **Dr. Christopher Jones, PharmD, DrPH, MPH**, Director of the National Center for Injury Prevention and Control for the Centers for Disease Control and Prevention
- **Mr. Tom Coderre**, Acting Deputy Assistant Secretary for Mental Health and Substance Use
- **Ms. Diana Espinosa, MPP**, Principal Deputy Administrator of the Health Resources and Services Administration, Acting Deputy Assistant Secretary for Mental Health and Substance Use
- **Mr. Jonathan Blum, MPP**, Principal Deputy Administrator and Chief Operating Officer for the Centers for Medicare and Medicaid Services

II. Background

Overview

The Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act, or the SUPPORT Act, was signed into law in 2018 by President Trump to address the growing threat of the opioid crisis, building upon the bipartisan successes of prior work in the Comprehensive Addiction and Recovery Act (CARA) and the 21st Century Cures Act.

Among key policies in SUPPORT Act are public health programs across the Health Resources and Services Administration (HRSA), Substance Abuse and Mental Health Services Administration (SAMHSA), and Centers for Disease Control and Prevention (CDC) that sought to increase education on substance use disorders (SUD) and opioid use disorders (OUD), train health care providers to treat patients diagnosed with

SUD and/or OUD, and help provide wraparound services for patients in treatment and recovery. Additionally, the law extended Medicare and Medicaid payments for vital treatment and recovery options, including coverage for medication-assisted treatments (MAT) and residential care in Medicaid, and extending coverage for methadone and telehealth options in Medicare.

Following the passage of the SUPPORT Act and other opioid response legislation, overdose deaths in the United States remained flat, or at times even slightly decreased, at an average of about 70,000 drug-involved, overdose deaths per year from 2017 through 2019. However, the COVID-19 pandemic and a surge of illicit fentanyl entering the country undid many of the successes in combatting the epidemic, causing the total number of overdoses in 2020 to jump to over 90,000, and then over 106,000 deaths in 2021.¹

In 2023, the current crisis is different from the crisis that existed in 2018. Fentanyl poisonings are by far the leading driver of drug-related overdoses (with fentanyl accounting for as many as 70,000 of the 106,000 overdose deaths in 2021), and overdoses from methamphetamines, cocaine, and heroine surpassed those from prescription opioids.² Additionally, concerns have arisen regarding potentially abusive prescribing practices of antipsychotic medications for seniors and other vulnerable populations.³

With key provisions of the SUPPORT Act set to expire at the end of the Fiscal Year 2023, the Committee will examine policies to continue to raise awareness and educate about the risks of OUD and SUD, improve access to all treatment, including MAT, continue building the workforce necessary to respond to this crisis, and examine new facets of the crisis, such as the rise of xylazine.

III. Legislation

H.R. 824, the Telehealth Benefit Expansion for Workers Act of 2023 (Reps. Tim Walberg, Suzan DelBene, Angie Craig, Ron Estes, Mikie Sherrill, Rick Allen)

H.R. 824 would expand upon a COVID-19 flexibility offered by the Departments of Health and Human Services, Labor, and Treasury that increases the ability of employers to offer stand-alone coverage of telehealth-only services to employees.

H.R. 3892, the Improving Mental Health and Drug Treatment Act (Reps. Michael Burgess and Ritchie Torres)

H.R. 3892 would permanently extend the SUPPORT Act's state plan option to lift Medicaid's "Institutions for Mental Diseases" Exclusion (IMD Exclusion), which otherwise

¹ <https://nida.nih.gov/research-topics/trends-statistics/overdose-death-rates#:~:text=Opioid%2Dinvolved%20overdose%20deaths%20rose,with%2080%2C411%20reported%20overdose%20deaths.>

² <https://nida.nih.gov/research-topics/trends-statistics/overdose-death-rates#:~:text=Opioid%2Dinvolved%20overdose%20deaths%20rose,with%2080%2C411%20reported%20overdose%20deaths.>

³ <https://oig.hhs.gov/oei/reports/OEI-07-20-00500.pdf>

restricts Medicaid coverage for residential and inpatient mental and behavioral health services to facilities with fewer than 16 beds.

H.R. 4091, the Combatting Substance Use Disorder Act (Reps. David Valadao and Mike Garcia)

H.R. 4091 permanently extends the SUPPORT Act’s requirement for states and CMS to produce annual, comprehensive data reports on Medicaid coverage of behavioral health care. The bill would also expand the reports to include coverage on mental health care.

H.R. 3736, the Extending Access to Addiction Treatment Act (Reps. Paul Tonko and Kelly Armstrong)

H.R. 3736 would permanently extend the SUPPORT Act’s requirement for state Medicaid programs to cover all forms of MAT.

H.R. 4096, A bill to amend title XIX of the Social Security Act to expand the application of Medicaid State programs to monitor antipsychotic medications to all Medicaid beneficiaries. (Reps. Buddy Carter and Jan Schakowsky)

H.R. 4096 would expand the SUPPORT Act’s requirements to monitor potentially abusive antipsychotics prescribing for children by requiring monitoring of such prescriptions for seniors and people with disabilities.

H.R. 4056, the Ensuring Medicaid Continuity for Children in Foster Care Act of 2023 (Reps. Gus Bilirakis and Kathy Castor)

H.R. 4056 would lift the IMD Exclusion for “qualified residential treatment programs” (QRTPs), which provide short-term, residential care for foster youth in crisis. The bill would lift the Exclusion in a manner consistent with guardrails from the Families First Prevention Services Act, which include screenings to place children appropriately in and out of care and requirements to discharge children from facilities expeditiously so that they can return to their families as quickly as possible.

H.R. 3074, the Due Process Continuity of Care Act (Reps. David Trone and Michael Turner)

H.R. 3074 would allow for state Medicaid programs to provide coverage for eligible individuals who are in pre-trial detention and are awaiting the disposition of charges. Current law prohibits Medicaid from covering individuals who are incarcerated, whether in pre-trial detention or post-adjudication, thus leaving such costs up to the respective jail or prison in question (except for a notable, bipartisan law change from Energy and Commerce last year that now permits Medicaid to cover children in pre-trial detention).

H.R. 2400, the Reentry Act of 2023 (Reps. Paul Tonko and Michael Turner)

H.R. 2400 would allow for state Medicaid programs to provide Medicaid coverage for eligible individuals who are incarcerated and are set to be released from prison within 30 days.

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H.R. 4089, the Safer Response Act (Reps. Anthony D’Esposito and Josh Harder)

H.R. 4089 would reauthorize section 546 of the Public Health Service Act for fiscal years 2024 through 2028 to continue support for training and education related to fentanyl and other illicit substances for first responders.

H.R. 4063, the FIND Fentanyl Act of 2023 (Reps. Debbie Dingell and Gus Bilirakis)

H.R. 4063 would reauthorize section 7011 of the SUPPORT Act for fiscal years 2024 through 2028 to continue a program to support public health laboratories and laboratories operated by law enforcement agencies to improve detection of synthetic opioids, including fentanyl and its analogues.

H.R. 4079, the Substance Use Disorder Treatment and Recovery Loan Repayment Program Reauthorization Act of 2023 (Reps. Hal Rogers and Abigail Spanberger)

H.R. 4079 would reauthorize the Substance Use Disorder Treatment and Recovery Loan Repayment Program for fiscal years 2024 through 2028.

H.R. 4100, To amend the Public Health Service Act to reauthorize a monitoring and education program regarding infections associated with illicit drug use and other risk factors. (Reps. Lori Chavez-DeRemer and Lori Trahan)

H.R. 4100 would reauthorize section 7141 of the SUPPORT Act for fiscal years 2024 through 2028 to continue programs to support the monitoring and education of infections commonly associated with illicit drug use.

H.R. 4101, the Road to Recovery Act (Reps. John James and Tony Cardenas)

H.R. 4101 would reauthorize section 547A of the Public Health Service Act for fiscal years 2024 through 2028 to continue support for the national peer-run training and technical assistance center for addiction recovery support.

H.R. 4099, the RECONNECTS Act of 2023 (Reps. Morgan Griffith and Angie Craig)

H.R. 4099 would reauthorize section 7161 of the SUPPORT Act for fiscal years 2024 through 2028 to continue support for the improvement of prescription drug monitoring programs and other innovative projects related to rapid response of controlled substance misuse, abuse, and overdoses, as well as programs related to controlled substance overdose data collection and reporting. The bill also designates the fentanyl crisis as a “new and emerging public health crisis.”

H.R. 4088, the CAREER Act (Reps. Andy Barr and Sharice Davids)

H.R. 4088 reauthorizes section 7183 of the SUPPORT Act for fiscal years 2024 through 2028 to continue a program that supports individuals in substance use disorder treatment and recovery to live independently and participate in the workforce.

H.R. 1502, the Comprehensive Opioid Recovery Centers Reauthorization Act of 2023 (Reps. Brett Guthrie, Scott Peters, Larry Bucshon, Paul Tonko)

H.R. 1502 reauthorizes competitive grants for comprehensive opioid recovery centers for fiscal years 2024 through 2028.

H.R. 4098, the Communities of Recovery Reauthorization Act (Reps. Brittany Pettersen and Zach Nunn)

H.R. 4098 reauthorizes section 547(f) of the Public Health Service Act for fiscal years 2024 through 2028 to continue supporting community-based methods to increase the prevalence and quality of long-term recovery support for individuals with substance use disorders and co-occurring substance use and mental disorders.

H.R. 4095, the Save Children from Trauma Act (Reps. Monica De La Cruz and Greg Landsman)

H.R. 4095 reauthorizes 582(j) of the Public Health Service Act for fiscal years 2024 through 2028 to continue grant funding to provide access to treatment and services in communities for children, adolescents, and their families who experience traumatic events.

H.R. 4097, the Mental Health Improvement Act (Reps. Emilia Sykes and John Joyce)

H.R. 4097 reauthorizes 756(f) of the Public Health Service Act for fiscal years 2024 through 2028 to continue a grant program that helps support individuals to respond to individuals with mental health challenges and or disorders, particularly those with serious mental illness (SMI) and/or serious emotional disturbances (SED).

H.R. 1839, the Combating Illicit Xylazine Act (Reps. Jimmy Panetta and August Pfluger)

H.R. 1839 creates a definition for the illicit use and distribution of xylazine and subjects individuals who illicitly distribute the substance to penalties associated with Schedule III of the Controlled Substances Act.

H.R. 4053, the Studying Suboxone Act (Reps. Anne Kuster and Buddy Carter)

H.R. 4053 requires the Secretary of HHS to conduct a review buprenorphine-naloxone combination products and as necessary, update the Secretary's scheduling recommendation with respect to such products.

H.R. 4106, To amend the 21st Century Cures Act to expressly authorize the use of certain grants to implement substance use disorder and overdose prevention activities with respect to fentanyl and xylazine test strips. (Reps. Jasmine Crockett and Lance Gooden)

H.R. 4106 amends section 1003(b) of the 21st Century Cures Act to authorize the use of certain grants to purchase fentanyl and xylazine test strips.

H.R. 4057, the Keeping Kids Safe Act (Reps. Lisa Blunt Rochester and Brian Fitzpatrick)

H.R. 4057 would reauthorize section 7131 of the SUPPORT Act for fiscal years 2024 through 2028 to continue programs to collect and report data related to on adverse childhood experiences.

H.R. 4080, the Trauma-Informed Care Task Force Reauthorization Act of 2023 (Reps. Raul Ruiz and Bob Latta)

H.R. 4080 reauthorizes section 7132 of the SUPPORT Act to continue the Interagency Task Force on Trauma-Informed Care.

H.R. 4092, the Protecting Moms and Infants Reauthorization Act (Reps. Marie Gluesenkamp Perez and Young Kim)

H.R. 4092 reauthorizes section 508(s) of the Public Health Service Act to continue support for residential substance use disorder treatment for pregnant and postpartum women for fiscal years 2024 through 2028.

H.R. 4054, the Trauma Support and Mental Health in Schools Reauthorization Act (Reps. Nikki Budzinski and Michelle Steel)

H.R. 4054 reauthorizes grant to improve trauma support services for children and adolescents in school settings for fiscal years 2024 through 2028.

H.R. 4093, the Remote Opioid Monitoring Act of 2023 (Reps. Troy Balderson and Robin Kelly)

H.R. 4093 requires a GAO study on the use of remote monitoring for patients who are prescribed opioids to understand better the efficacy, individual outcomes, and any potential cost savings.

H.R. 4007, the HEAL Act (Reps. Kelly Armstrong and Paul Tonko)

H.R. 4007 would ensure that whenever the Department of Health and Human Services issues a regulation or guidance for any grant program addressing opioid use disorders, any reference to an opioid overdose reversal agent is broadened to include “any opioid overdose reversal agent that has been approved or otherwise authorized for use by the Food and Drug Administration.”

IV. Staff Contacts

If you have questions regarding this hearing, please contact Seth Gold, Kristin Flukey, or Molly (Brimmer) Lolli of the Committee staff at 202-225-3641.