

On Thursday, May 17, the House Energy and Commerce Committee (E&C) cleared 32 additional opioid-related measures during its second markup on the issue. In total, E&C has now advanced 57 bills to combat the opioid overdose crisis.

While most measures were easily approved on a bipartisan basis, committee members disagreed over a number of bills related to expanding buprenorphine prescribing authorities, lifting a decades-old ban on Medicaid payments for mental health and substance use disorder (SUD) residential treatment facilities with more than 16 beds, and permitting physicians to more easily access and share medical records related to patients' SUD therapies.

During the hearing, E&C Chairman Greg Walden (R-OR) suggested that Majority Leader Kevin McCarthy (R-CA) has committed to reserving House floor time in June to consider a comprehensive legislative package.

The following bills, as outlined by an associated E&C [press release](#), were advanced:

- **[H.R. 5228, Stop Counterfeit Drugs by Regulating and Enhancing Enforcement Now \(SCREEN\) Act](#)**, authored by Rep. Frank Pallone (D-NJ) – provides the Food and Drug Administration (FDA) with stronger recall and seizure authority to disrupt the entry of counterfeit and illicit drugs through International Mail Facilities (IMFs).
- **[H.R. 5752, Stop Illicit Drug Importation Act of 2018](#)**, authored by Rep. Marsha Blackburn (R-TN) – streamlines and enhances FDA's tools to intercept illegal products.
- **[H.R. 5806, 21st Century Tools for Pain and Addiction Treatments Act](#)**, authored by Reps. Michael Burgess, M.D. (R-TX), Larry Bucshon (R-IN) and Morgan Griffith (R-VA) – directs the FDA to issue or update existing guidance on ways existing pathways can be used to bring novel non-addictive treatments for pain and addiction to patients.
- **[H.R. 5811, to amend the Federal Food, Drug and Cosmetic Act with respect to post-approval study requirements for certain controlled substances, and for other purposes](#)**, authored by Reps. Jerry McNerney (D-CA) and Morgan Griffith (R-VA) – enhances FDA's authorities and enforcement tools to ensure timely post-marketing studies for chronically administered opioids.
- **[H.R. 1925, At-Risk Youth Medicaid Protection Act of 2017](#)**, authored by Reps. Tony Cardenas (D-CA) and Morgan Griffith (R-VA) – prevents state Medicaid programs from terminating a juvenile's medical assistance eligibility because he/she is incarcerated.
- **[H.R. 3192, CHIP Mental Health Parity Act](#)**, authored by Rep. Joseph Kennedy, III (D-MA) – requires state Children's Health Insurance Programs (CHIP) to cover mental health benefits.
- **[H.R. 4005, Medicaid Reentry Act](#)**, authored by Rep. Paul Tonko (D-NY) – requires the Secretary of HHS to convene a stakeholder group that would produce a report of best practices for states to consider in health care related transitions for inmates of public institutions.
- **[H.R. 4998, Health Insurance for Former Foster Youth Act](#)**, authored by Rep. Karen Bass (D-CA) – directs the Centers for Medicare and Medicaid Services (CMS) to publish guidance on how states can remove barriers, track healthcare coverage status and conduct outreach to former foster youth who have moved states.
- **[H.R. 5477, Rural Development of Opioid Capacity Services Act](#)**, authored by Rep. Tom O'Halleran (D-AZ) – requires CMS to carry out a demonstration project to provide an enhanced federal matching rate for state Medicaid expenditures related to the expansion of substance-use treatment and recovery services targeting provider capacity.
- **[H.R. 5583, to amend title XI of the Social Security Act to require states to annually report on certain adult health quality measures, and for other purposes](#)**, authored by Rep. Yvette Clarke (D-NY) – requires state Medicaid programs to report on the 11 behavioral health measures that are included in CMS' 2018 Core Set of Adult Health Care Quality Measures for Medicaid.
- **[H.R. 5789, to amend title XIX of the Social Security Act to provide for Medicaid coverage protections for pregnant and postpartum women while receiving inpatient treatment for substance use disorder](#)**, authored by Reps. Bill Foster (D-IL) and Brett Guthrie (R-KY) – improves access to inpatient treatment services for women with SUDs who are pregnant or who are suffering from postpartum depression.
- **[H.R. 5797, IMD CARE Act](#)**, authored by Rep. Mimi Walters (R-CA) – allows state Medicaid programs from FY2019 through FY2023 to remove the Institutions for Mental Diseases (IMD) exclusion for Medicaid beneficiaries aged 21-64 with an opioid use disorder.
- **[H.R. 5799, Medicaid DRUG Improvement Act](#)**, authored by Rep. Marsha Blackburn (R-TN) – builds on current state Medicaid drug utilization review activities to help combat the opioid crisis. Under H.R. 5799, state Medicaid programs would be required to have safety edits in place for opioid refills, monitor concurrent prescribing of opioids and certain other drugs, and monitor antipsychotic prescribing for children.

- **H.R. 5800, Medicaid IMD ADDITIONAL INFO Act**, authored by Rep. Fred Upton (R-MI) – directs the Medicaid and CHIP Payment and Access Commission (MACPAC) to conduct a study on institutions for mental disease (IMD) that receive Medicaid reimbursement. The study would report on the requirements and standards that state Medicaid programs have for IMDs. MACPAC, considering input from stakeholders, would summarize the findings and make recommendations on improvements and best practices and data collection. The report would be due no later than January 2020.
- **H.R. 5801, Medicaid PARTNERSHIP Act**, authored by Rep. Morgan Griffith (R-VA) – requires state Medicaid programs to integrate prescription drug monitoring program (PDMP) usage into Medicaid providers’ clinical workflow and requires such providers to check the PDMP before prescribing a Schedule II controlled substance. H.R. 5801 would also establish a standard criteria that a PDMP must meet to be counted as a qualified PDMP, and requires state Medicaid programs to report to CMS on several PDMP issues.
- **H.R. 5808, Medicaid Pharmaceutical Home Act of 2018**, authored by Rep. Gus Bilirakis (R-FL) – requires all state Medicaid programs to have a beneficiary assignment program that identifies Medicaid beneficiaries at-risk for SUD and assigns them to a pharmaceutical home program, which must set reasonable limits on the number of prescribers and dispensers that beneficiaries may utilize.
- **H.R. 5810, Medicaid Health HOME Act**, authored by Reps. Leonard Lance (R-NJ) and Peter Welch (D-VT) – strengthens the state option for Medicaid health homes under current law that improve access to care for Medicaid beneficiaries with SUD.
- **H.R. 5715, Strengthening Partnerships to Prevent Opioid Abuse Act**, authored by Reps. Jim Renacci (R-OH), Terri Sewell (D-AL), Brett Guthrie (R-KY) and Scott Peters (D-CA) – helps facilitate communication among Medicare Advantage sponsors, Part D plan sponsors and CMS related to information on substantiated fraud, waste and abuse investigations.
- **H.R. 5716, Commit to Opioid Medical Prescriber Accountability and Safety for Seniors (COMPASS) Act**, authored by Reps. Peter Roskam (R-IL), John Larson (D-CT), Susan Brooks (R-IN) and Peter Welch (D-VT) – requires CMS to establish a prescriber threshold based on specialty and geographic area, which could designate a prescriber as an outlier opioid prescriber.
- **H.R. 5796, Responsible Education Achieves Care and Healthy Outcomes for Users’ Treatment (REACH OUT) Act of 2018**, authored by Reps. Brian Fitzpatrick (R-PA), Carlos Curbelo (R-FL) and Mike Thompson (D-CA) – directs CMS to work with eligible entities, including Quality Improvement Organizations, to engage in outreach with prescribers identified as clinical outliers to share best practices to evaluate their prescribing behavior.
- **H.R. 5590, Opioid Addiction Action Plan Act**, authored by Reps. Adam Kinzinger (R-IL), Yvette Clarke (D-NY), Darin LaHood (R-IL) and Danny Davis (D-IL) – establishes an action plan, including studies, reports to Congress authored by the Department of Health and Human Services (HHS), as well as meetings with stakeholders, for the purpose of addressing the opioid crisis.
- **H.R. 5603, Access to Telehealth Services for Opioid Use Disorder**, authored by Reps. Doris Matsui (D-CA), Tony Cardenas (D-CA) and Bill Johnson (R-OH) – instructs CMS to evaluate the utilization of telehealth services in treating SUD.
- **H.R. 5605, Advancing High Quality Treatment for Opioid Use Disorders in Medicare Act**, authored by Rep. Raul Ruiz (D-CA) – creates a demonstration project for treating SUD. This model includes the development of measures to evaluate the quality and outcomes of treatment.
- **H.R. 5798, Opioid Screening and Chronic Pain Management Alternatives for Seniors Act**, authored by Reps. Larry Bucshon (R-VA), Debbie Dingell (D-MI) and Erik Paulsen (R-MN) – adds a review of current opioid prescriptions and, as appropriate, a screening for opioid use disorder as part of the Welcome to Medicare initial examination.
- **H.R. 4684, Ensuring Access to Quality Sober Living Act of 2017**, authored by Reps. Judy Chu (D-CA), Mimi Walters (D-CA), Gus Bilirakis (R-FL) and Raul Ruiz (D-CA) – authorizes the Substance Abuse and Mental Health Services Administration (SAMHSA) to develop, publish and disseminate best practices for operating recovery housing that promotes a safe environment for sustained recovery from SUD.
- **H.R. 5329, Poison Center Network Enhancement Act of 2018**, authored by Reps. Susan Brooks (R-IN), Eliot Engel (D-NY) and Joe Barton (R-TX) – reauthorizes the national network of Poison Control Centers, which offer free, confidential and expert medical advice 24 hours a day, seven days a week.
- **H.R. 5580, STOP Fentanyl Deaths Act of 2018**, authored by Rep. Anne Kuster (D-NH) – authorizes grants to federal, state and local agencies for the establishment or operation of public health laboratories to detect fentanyl, its analogues and other synthetic opioids.
- **H.R. 5587, Peer Support Communities of Recovery Act**, authored by Reps. Ben Ray Lujan (D-NM) and Bill Johnson (R-OH) – enhances the Comprehensive Addiction and Recovery Act’s (CARA) Building Communities of Recovery Program and authorizes HHS to award grants to peer support specialist organizations for the development and expansion of recovery services.
- **H.R. 5804, Post-Surgical Injections as an Opioid Alternative Act**, authored by Reps. John Shimkus (R-IL), Raja Krishnamoorthi (D-IL) and Peter Roskam (R-IL) – incentivizes post-surgical injections as a pain treatment alternative to opioids by reversing a reimbursement cut for these treatments in the Ambulatory Service Center setting, as well as the collection of data on a subset of codes related to these treatments.
- **H.R. 5809, Postoperative Opioid Prevention Act of 2018**, authored by Reps. Scott Peters (D-CA) and Larry Bucshon (R-IN) – creates a pass-through payment extension to encourage the development of non-opioid drugs for post-surgical pain management in Medicare.

- **H.R. 5795, Overdose Prevention and Patient Safety Act**, authored by Reps. Earl Blumenauer (D-OR) and Markwayne Mullin (R-OK) – aligns the use of SUD treatment records with the Health Insurance Portability and Accountability Act (HIPAA) for the purposes of treatment, payment and healthcare operations between covered entities. H.R. 5795 would also enhance the penalties in the event of a disclosure of SUD treatment records, add breach notification requirements and provide strong discrimination prohibitions to protect people seeking and receiving SUD treatment.
- **H.R. 5812, Creating Opportunities that Necessitate New and Enhanced Connections that Improve Opioid Navigation Strategies (CONNECTIONS) Act**, authored by Reps. Morgan Griffith (R-VA) and Frank Pallone (D-NJ) – improves current federal support for state-run PDMPs by authorizing the Centers for Disease Control and Prevention (CDC) to carry out certain controlled substances overdose prevention and surveillance activities.

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