

115TH CONGRESS
2D SESSION

H. R. 5009

To include information concerning a patient's opioid addiction in certain
medical records.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2018

Mr. WALBERG (for himself, Mrs. DINGELL, Mr. JENKINS of West Virginia,
Ms. SHEA-PORTER, Mr. MEEHAN, Mr. MACARTHUR, Mrs. HARTZLER,
and Mr. LATTA) introduced the following bill; which was referred to the
Committee on Energy and Commerce

A BILL

To include information concerning a patient's opioid
addiction in certain medical records.

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 “Jessie’s Law”.

5 **SEC. 2. INCLUSION OF OPIOID ADDICTION HISTORY IN PA-**
6 **TIENT RECORDS.**

7 (a) BEST PRACTICES.—

8 (1) IN GENERAL.—Not later than 1 year after
9 the date of enactment of this Act, the Secretary of

1 Health and Human Services, in consultation with
2 appropriate stakeholders, including a patient with a
3 history of opioid use disorder, an expert in electronic
4 health records, an expert in the confidentiality of pa-
5 tient health information and records, and a health
6 care provider, shall identify or facilitate the develop-
7 ment of best practices regarding—

8 (A) the circumstances under which infor-
9 mation that a patient has provided to a health
10 care provider regarding such patient's history of
11 opioid use disorder should, only at the patient's
12 request, be prominently displayed in the med-
13 ical records (including electronic health records)
14 of such patient;

15 (B) what constitutes the patient's request
16 for the purpose described in subparagraph (A);
17 and

18 (C) the process and methods by which the
19 information should be so displayed.

20 (2) DISSEMINATION.—The Secretary shall dis-
21 seminate the best practices developed under para-
22 graph (1) to health care providers and State agen-
23 cies.

24 (b) REQUIREMENTS.—In identifying or facilitating
25 the development of best practices under subsection (a), as

1 applicable, the Secretary, in consultation with appropriate
2 stakeholders, shall consider the following:

3 (1) The potential for addiction relapse or over-
4 dose, including overdose death, when opioid medica-
5 tions are prescribed to a patient recovering from
6 opioid use disorder.

7 (2) The benefits of displaying information
8 about a patient's opioid use disorder history in a
9 manner similar to other potentially lethal medical
10 concerns, including drug allergies and contraindica-
11 tions.

12 (3) The importance of prominently displaying
13 information about a patient's opioid use disorder
14 when a physician or medical professional is pre-
15 scribing medication, including methods for avoiding
16 alert fatigue in providers.

17 (4) The importance of a variety of appropriate
18 medical professionals, including physicians, nurses,
19 and pharmacists, to have access to information de-
20 scribed in this section when prescribing or dis-
21 pensing opioid medication, consistent with Federal
22 and State laws and regulations.

23 (5) The importance of protecting patient pri-
24 vacy, including the requirements related to consent

1 for disclosure of substance use disorder information
2 under all applicable laws and regulations.

3 (6) All applicable Federal and State laws and
4 regulations.

○