

115TH CONGRESS  
2D SESSION

# H. R. 5009

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

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## 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

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## 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.

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