

# Congress Holds Hearings and Proposes Legislation to Combat Vexing Opioid Crisis

May 10, 2018 | Blog | By

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On Tuesday, May 8<sup>th</sup>, the House held three hearings related to combating the opioid epidemic. The first hearing came out of the Energy and Commerce (E&C) Subcommittee on Oversight and Investigations, which examined opioid distribution and diversion by the pharmaceutical industry. The second hearing came out of the E&C Subcommittee on Health, which examined the current statutory restrictiveness on the medical profession's ability to coordinate substance use disorder (SUD) treatment due to prohibitions on certain patient information disclosure. The third hearing came out of the House Judiciary Committee and examined best practices in international and domestic enforcement on drug traffickers in curbing the supply of opioids across the U.S.

### ***Combating the Opioid Epidemic: Examining Concerns About Distribution and Diversion***

In the E&C Oversight and Investigations hearing, "*Combating the Opioid Epidemic: Examining Concerns About Distribution and Diversion*," the role of wholesale drug distributors in the opioid epidemic was examined, including breakdowns in the distribution system established under the Controlled Substance Act (CSA) that has resulted in massive amounts of prescription opioids flooding small-town pharmacies in West Virginia and other vulnerable rural communities. Chairman Harper asked witnesses whether they believed their companies' activity contributed to the opioid epidemic; all but one responded they did not believe any such correlation existed between distributing practices and the epidemic. The Subcommittee further questioned the industry's role in the opioid crisis, asking witnesses about company processes for flagging, reviewing, and reporting suspicious orders from pharmacies.

Testifying witnesses included: Mr. George Barrett, Executive Chairman of the Board at Cardinal Health, Inc.; Mr. Steven Collis, Chairman, President, and CEO of AmerisourceBergen Corporation; Mr. John Hammergren, Chairman, President, and CEO, McKesson Corporation; Dr. Joseph Mastandrea, Chairman of the Board at Miami-Luken, Inc.; and Mr. J. Christopher Smith, Former President and CEO of H.D. Smith Wholesale Drug Company.

[For a complete summary of the hearing please click here.](#)

### ***Improving the Coordination and Quality of Substance Use Disorder Treatment***

The E&C Health hearing, "*Improving the Coordination and Quality of Substance Use Disorder Treatment*," discussed proposed bill H.R. 3545, known as the Overdose Prevention and Patient Safety Act, and examined whether the legislation adequately strikes a balance between patient privacy and quality care in treating SUDs. The witnesses mostly agreed that coordination of care is essential to providing adequate, quality treatment of SUDs. The witnesses also agreed that the current statute, 42 C.F.R. Part 2, was too restrictive on the medical profession's ability to perform such coordination due to the statute's prohibition on disclosing SUD information. However, there was some concern on the panel that the proposed legislation would create distrust within the physician-patient relationship and discourage patients from seeking necessary treatment.

Testifying witnesses included: Congressman Earl Blumenauer (D-OR); Dr. H. Westley Clark, Professor of Public Health at Santa Clara University; Mr. Gerald DeLoss of Greensfelder, Hemker, and Gale, P.C.; Mr. Jeremiah Gardner, of the Hazelden Betty Ford Foundation; Mr. Dustin McKee, Director of Policy at the National Alliance on Mental Illness of Ohio; and Ms. Patty McCarthy Metcalf, Executive Director of Faces and Voices of Recovery.

[For a complete summary of the hearing please click here.](#)

### ***Challenges and Solutions in the Opioid Abuse Crisis***

During the House Judiciary hearing entitled “*Challenges and Solutions in the Opioid Abuse Crisis*,” the Committee examined best practices in combating opioid drug trafficking, both within and across national border lines. In addition to curbing the prescribing practices of the medical profession, concerns of the illicit drug supply market pose dangerous risks to first responders and enforcement officers. Chairman Goodlatte concluded, “we must redouble our efforts to turn the tide in this crisis. We know now more than ever, that a crisis like this requires dynamic and outside of the box solutions.”

Testifying witnesses included: Acting Administrator of the DEA, Mr. Robert Patterson, Dr. Timothy Westlake, Dr. Josiah Rich, Mr. Spencer Morgan, and Ms. Kristen Holman.

[For a complete summary of the hearing please click here.](#)

#### **Markup Hearing**

Lastly, the E&C committee held a markup hearing on Wednesday, advancing 32 bills, 25 of which address the opioid epidemic. (This hearing followed the April 25<sup>th</sup> E&C Health Subcommittee markup, in which 57 of 64 opioid related bills were passed out of committee.) All health legislation, including the opioid-related bills, was reported favorably to the House floor. The proposed health bundle specifically addresses legislative opportunities to combat the opioid epidemic. The Committee presented a largely bipartisan front in the passage of each bill. Chairman Walden noted that after the second round committee mark-up next week, the committee will have fulfilled their commitment of presenting a package of bills to combat the opioid crisis to the floor by Memorial Day.

[For a complete summary of the markup please click here.](#)

*\*Fatema Ghasletwala, Madeleine Giaquinto, and Nicole Meyerson contributed to this blog post.*

#### **Authors**