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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as “Jessie’s Law”.

SEC. 2. INCLUSION OF OPIOID ADDICTION HISTORY IN PATIENT RECORDS.

(a) BEST PRACTICES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of
Health and Human Services, in consultation with appropriate stakeholders, including a patient with a history of opioid use disorder, an expert in electronic health records, an expert in the confidentiality of patient health information and records, and a health care provider, shall identify or facilitate the development of best practices regarding—

(A) the circumstances under which information that a patient has provided to a health care provider regarding such patient’s history of opioid use disorder should, only at the patient’s request, be prominently displayed in the medical records (including electronic health records) of such patient;

(B) what constitutes the patient’s request for the purpose described in subparagraph (A); and

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

(2) DISSEMINATION.—The Secretary shall disseminate the best practices developed under paragraph (1) to health care providers and State agencies.

(b) REQUIREMENTS.—In identifying or facilitating the development of best practices under subsection (a), as
applicable, the Secretary, in consultation with appropriate
stakeholders, shall consider the following:

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

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

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

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

(5) The importance of protecting patient pri-
vacy, including the requirements related to consent
for disclosure of substance use disorder information under all applicable laws and regulations.

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