



## H.R. 6082 – The Overdose Prevention and Patient Safety Act (Rep. Mullin, R-OK)

CONTACT: [Gavin Proffitt](#), 202-226-2076

### FLOOR SCHEDULE:

Scheduled for consideration on June 20, 2018, under a closed [rule](#).

**TOPLINE SUMMARY:** [H.R. 6082](#) would allow health care providers to access previously inaccessible aspects of medical records relating to substance use disorder treatment.

**COST:** No CBO cost estimate is available.

### CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** This legislation would provide the Secretary of Health and Human Services to make revisions to regulations regarding the disclosures of certain privacy related information and would require the Secretary of Health and Human Services to develop a model training program for substance use disorder patient records for various health care providers.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** This legislation would require the Secretary of Health and Human Services to update Federal regulations of privacy practices regarding patients records not later than 1 year after the enactment of this act.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

### DETAILED SUMMARY AND ANALYSIS:

H.R. 6082 would allow health care providers to have a better understanding of a patient's health care history by allowing providers to access currently inaccessible aspects of medical records relating to substance use disorder treatment.

Under current law, a patient must give explicit written consent for medical records relating to substance use disorder to be shared with medical personal. This legislation would amend the Public Health Service Act confidentiality of records section which pertains to substance use disorder by authorizing records to be shared for the purposes of: treatment, payment, and health care operations, so long as the disclosure is made in accordance with Health Insurance Portability and Accountability Act privacy regulation. Additionally, records may be shared with a [public health authority](#), so long as such content meets the standards regarding de-identified information.

This legislation would also amend the Public Health Service Act regarding the use of substance use disorder records in criminal or civil cases by expanding the prohibition of records from being entered into evidence in any criminal prosecution or civil actions before a Federal or State court; before a Federal agency; be used by any Federal, State, or local agency for a law enforcement purpose or to conduct any law enforcement investigation of a patient; or be used in any application for a warrant, except as otherwise authorized by a court order or by the consent of the patient.

H.R. 6082 would repeal the criminal penalty for a violation of the confidentiality of substance use disorder records and replace it with the HIPAA civil penalty structure outlined in sections 1176 and 1177 of the Social Security Act ([42 U.S.C. 1320d-5](#)) ([42 U.S.C. 1320d-6](#)).

This legislation includes a provision relating to antidiscrimination by stating that no entity shall discriminate against an individual on the basis of information received from the release of a patient's substance use disorder treatment records relating to: 1) admission or treatment of health care; 2) hiring or terms of employment; 3) the sale or rental of housing; or 4) access to Federal, State or Local courts. Additionally, no recipient of Federal funds shall discriminate against an individual based off of their substance use treatment records in affording access to the services provided by those Federal funds.

Finally, this legislation would require the Secretary of Health and Human Services to develop a model training program for substance use disorder patient records for various health care providers, as well as for patients and their families regarding their rights to protect and obtain information.

#### **COMMITTEE ACTION:**

The bill was introduced by Representative Mullin on June 13, 2018, and was referred to the House Committee on Energy and Commerce. The Committee took no further action on the bill.

#### **ADMINISTRATION POSITION:**

According to the [Statement of Administration Policy](#), "The administration supports House passage of... H.R. 6082... and looks forward to working with the Congress to address the opioid crisis as the legislative process continues."

#### **CONSTITUTIONAL AUTHORITY:**

"Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8. Clause 1 of the United States Constitution."

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