

# Union Calendar No. 527

115<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3832

[Report No. 115–684]

To direct the Secretary of Veterans Affairs to enter into a memorandum of understanding with the executive director of a national network of State-based prescription monitoring programs under which Department of Veterans Affairs health care providers shall query such network, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 26, 2017

Mr. DUNN (for himself, Ms. TENNEY, Mr. POLIQUIN, Mr. ARRINGTON, and Mr. TONKO) introduced the following bill; which was referred to the Committee on Veterans' Affairs

MAY 18, 2018

Additional sponsors: Mr. RUTHERFORD, Mr. BOST, Mr. KNIGHT, Mr. MCKINLEY, Mr. HULTGREN, Mr. GIBBS, Mr. JONES, Mr. LEWIS of Minnesota, Mr. AUSTIN SCOTT of Georgia, Mr. WALDEN, Mr. FASO, Mrs. LOVE, Mr. BYRNE, Mr. HUDSON, Mr. LATTI, Mr. ALLEN, Mr. COFFMAN, Mr. BUCSHON, Mr. BERGMAN, Mr. VALADAO, Mr. YOHO, Mrs. WAGNER, Mrs. HANDEL, Mr. FERGUSON, Ms. KUSTER of New Hampshire, Mr. GIANFORTE, Mr. HIGGINS of Louisiana, Mr. KILMER, Mr. MARSHALL, Mr. HECK, Mr. SOTO, Mrs. HARTZLER, Mr. LAMB, Mr. OLSON, Mr. ROUZER, and Ms. SINEMA

MAY 18, 2018

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on September 26, 2017]

# **A BILL**

To direct the Secretary of Veterans Affairs to enter into a memorandum of understanding with the executive director of a national network of State-based prescription monitoring programs under which Department of Veterans Affairs health care providers shall query such network, and for other purposes.

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 the “Veterans Opioid Abuse*  
5 *Prevention Act”.*

6 **SEC. 2. DEPARTMENT OF VETERANS AFFAIRS PARTICIPA-**  
7 **TION IN NATIONAL NETWORK OF STATE-**  
8 **BASED PRESCRIPTION DRUG MONITORING**  
9 **PROGRAMS.**

10 *(a) IN GENERAL.—Chapter 17 of title 38, United*  
11 *States Code, is amended by inserting after section 1730A*  
12 *the following new section:*

13 **“§1730B. Access to State prescription drug moni-**  
14 **toring programs**

15 *“(a) ACCESS TO PROGRAMS.—(1) Any licensed health*  
16 *care provider or delegate of such a provider shall be consid-*  
17 *ered an authorized recipient or user for the purpose of*  
18 *querying and receiving data from the national network of*  
19 *State-based prescription drug monitoring programs to sup-*  
20 *port the safe and effective prescribing of controlled sub-*  
21 *stances to covered patients.*

22 *“(2) Under the authority granted by paragraph (1)—*

23 *“(A) licensed health care providers or delegates of*  
24 *such providers shall query such network in accordance*

1 *with applicable regulations and policies of the Vet-*  
2 *erans Health Administration; and*

3 *“(B) notwithstanding any general or specific*  
4 *provision of law, rule, or regulation of a State, no*  
5 *State may restrict the access of licensed health care*  
6 *providers or delegates of such providers from accessing*  
7 *that State’s prescription drug monitoring programs.*

8 *“(3) No State shall deny or revoke the license, registra-*  
9 *tion, or certification of a licensed health care provider or*  
10 *delegate who otherwise meets that State’s qualifications for*  
11 *holding the license, registration, or certification on the basis*  
12 *that the licensed health care provider or delegate has queried*  
13 *or received data, or attempt to query or receive data, from*  
14 *the national network of State-based prescription drug moni-*  
15 *toring programs under this section.*

16 *“(b) COVERED PATIENTS.—For purposes of this sec-*  
17 *tion, a covered patient is a patient who—*

18 *“(1) receives a prescription for a controlled sub-*  
19 *stance; and*

20 *“(2) is not receiving palliative care or enrolled*  
21 *in hospice care.*

22 *“(c) DEFINITIONS.—In this section:*

23 *“(1) The term ‘controlled substance’ has the*  
24 *meaning given such term in section 102(6) of the*  
25 *Controlled Substances Act (21 U.S.C. 802(6)).*

1           “(2) *The term ‘delegate’ means a person or auto-*  
2           *mated system accessing the national network of State-*  
3           *based prescription monitoring programs at the direc-*  
4           *tion or under the supervision of a licensed health care*  
5           *provider.*

6           “(3) *The term ‘licensed health care provider’*  
7           *means a health care provider employed by the De-*  
8           *partment who is licensed, certified, or registered with-*  
9           *in any State to fill or prescribe medications within*  
10          *the scope of his or her practice as a Department em-*  
11          *ployee.*

12          “(4) *The term ‘national network of State-based*  
13          *prescription monitoring programs’ means an inter-*  
14          *connected nation-wide system that facilitates the*  
15          *transfer to State prescription drug monitoring pro-*  
16          *gram data across State lines.*

17          “(5) *The term ‘State’ means a State, as defined*  
18          *in section 101(20) of this title, or a political subdivi-*  
19          *sion of a State.”.*

20          (b) *CLERICAL AMENDMENT.—The table of sections at*  
21          *the beginning of chapter 17 of such title is amended by in-*  
22          *serting after the item relating to section 1730A the following*  
23          *new item:*

*“1730B. Access to State prescription drug monitoring programs.”.*

Amend the title so as to read: “A bill to amend title 38, United States Code, to provide for access by Department of Veterans Affairs health care providers to State prescription drug monitoring programs.”.



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