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Congress Seeks to Strengthen Response to the Opioid Crisis Through the Support for Patients and Communities Act

On October 3, 2018, Congress approved the [SUPPORT for Patients and Communities Act \(H.R. 6\)](#). This bipartisan legislation is now headed to President Trump's desk, to be signed into law. H.R. 6 aims to accomplish two main objectives: stopping the sale and use of opioids and expanding treatment options for those who are suffering from opioid addiction.

H.R. 6 will bolster efforts to fight the growing problem of synthetic opioids by providing for the authorization of grants to establish public health laboratories. Synthetic opioids, such as fentanyl, are the leading cause in the sudden spike in overdoses across the country. These public health laboratories, in coordination with laboratories operated by law enforcement, will combat the synthetic opioid problem by improving detection and monitoring abilities.

The bill also includes the [STOP Act](#), which will help prevent the shipment of drugs by requiring the postal offices that handle international mail and U.S. Customs and Border Patrol to implement new safeguards aimed at stopping the illicit transportation of opioids. Under these new safeguards, all mail sent from foreign countries must provide "package level detail information" to U.S. Customs and Border Patrol. The STOP Act also allows the Federal Drug Administration to implement packaging requirements for prescription painkillers.

In addition to increasing the fight against synthetic drugs, H.R. 6 will have an enormous impact on medication-assistance treatment (MAT) providers. Legislators seek to increase non-addictive opioid alternatives to treat pain by increasing the number of waived health care providers that can prescribe MAT. This will be accomplished by:

- Authorizing nurse specialists, certified nurse midwives, and certified registered nurse anesthetists, who previously had no authorization, to prescribe MAT for a period of five years, and
- Giving nurse practitioners and registered nurse anesthetists permanent authorization and doing away with the five-year sunset provision.

Currently, only physicians, nurse practitioners, and physician assistants can receive a “DATA waiver” to prescribe non-addictive opioid alternatives like buprenorphine products.

The new bill also seeks to increase the number of patients that waived health care providers can help by:

- Allowing the immediate treatment of 100 patients by DATA-2000 waived-practitioners who meet certain requirements, and
- Codifying a previous Department of Health and Human Service ruling that allows qualified physicians to increase the total number of patients treated to 275 instead of 100.

H.R. 6 also provides for grants to help health care practitioners obtain a waiver to prescribe MAT. These grants will be allocated through the Secretary of Health and Human Services and allow for \$4,000,000 to be appropriated for each fiscal year through 2023. This increase in funding, as well as the number and type of practitioners who can prescribe MAT, will allow for a greater number of people to receive treatment.

Congress has already allocated huge amounts of money to addressing the opioid crisis through the [21 Century Cures Act](#) and the [Opioid Crisis Response Act](#). If President Trump signs H.R. 6 into law, it would be a significant step in combatting the ever-growing opioid crisis.

If you’re a health care provider with questions about how this new legislation will impact your practice, contact a member of Frost Brown Todd’s [Health Care Innovation Team](#). You can also visit our [Health Law Matters blog](#) for more insight into legal issues impacting the health care industry.

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