

# United States Senate

WASHINGTON, DC 20510-4804

COMMITTEES  
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October 18, 2017

Governor Chris Christie, Chair  
President's Commission on Combating Drug Addiction and the Opioid Crisis  
The Office of National Drug Control Policy  
The White House  
1600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20500

Dear Governor Christie and Members of the Commission:

As you know, we lost more than 33,000 Americans to opioid overdoses in 2015 alone<sup>1</sup> and early estimates indicate that that number was even higher in 2016.<sup>2</sup> Our state of West Virginia has been the hardest hit state in the country: in 2016, we lost more than 700 West Virginians to an opioid overdose. This epidemic has devastated our communities and torn families apart. That is why it is so important that we all work together to take steps to end this crisis.

Given the deadly impact of this epidemic, we were pleased to see many commonsense recommendations included in the Commission's Interim Report. We were particularly pleased to see that the interim report included a recommendation to "better align patient privacy laws specific to addiction with the Health Insurance Portability and Accountability Act (HIPAA) to ensure that information about SUDs be made available to medical professionals treating and prescribing medication to a patient."<sup>3</sup> Known in legal jargon as 42 CFR Part 2, this regulation has acted as a barrier to communication between healthcare providers serving individuals with substance use disorders and has created silos of medical care, which can compromise both the quality of care and patient safety. Most seriously, it can lead to increased risk of overdose death. That is why we strongly agree with your recommendation to update this regulation and have introduced the Protecting Jessica Grubb's Legacy Act (S. 1850) to do just that.

The Legacy Act is written in honor of a young woman with great potential that we lost in 2016 named Jessica Grubb. Jessie was a great student, a loving daughter and sister, and an avid runner. She was also recovering from an opioid addiction. Unfortunately, following a surgery, she was sent home from the hospital with a prescription for 50 oxycodone pills despite having informed her medical team that she was in recovery because the discharging physician did not have that information. That night, Jessie passed away in her sleep from an opioid overdose. The temptation was too great for her, as it would be for so many recovering addicts. Her death was tragic, but preventable. In fact, it may have been prevented if her treatment records had been integrated into her medical records.

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<sup>1</sup> <https://www.cdc.gov/drugoverdose/data/statedeaths.html>

<sup>2</sup> <https://www.nytimes.com/interactive/2017/06/05/upshot/opioid-epidemic-drug-overdose-deaths-are-rising-faster-than-ever.html>

<sup>3</sup> <https://www.whitehouse.gov/sites/whitehouse.gov/files/ondcp/commission-interim-report.pdf>

We urge you – in honor of Jessica Grubb and everyone who has worked so hard to achieve recovery – to include this recommendation in your final report and to work with us to make this critical change a reality.

Again, thank you for the work that you are doing to raise awareness and to promote commonsense solutions to address this deadly epidemic. Too many people in our communities are losing their lives, families, and futures to opioids and we must do everything in our power to help them. We look forward to continuing to work with you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joe Manchin III". The signature is fluid and cursive, with a large initial "J" and "M".

Joe Manchin III  
United States Senator

A handwritten signature in blue ink, appearing to read "Shelley Moore Capito". The signature is fluid and cursive, with a large initial "S" and "M".

Shelley Moore Capito  
United States Senator