

42 CFR Part 2 – The Protecting Jessica Grubb’s Legacy Act

Introduced by Senator Joe Manchin

Original Co-Sponsors: Senators Capito, Feinstein, King, Harris, Klobuchar

In Honor of Jessica Grubb

This bill 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. 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. This bill seeks to prevent other families from the same grief.

The Problem:

The 42 CFR Part 2 regulations govern the confidentiality and sharing of substance use disorder treatment records within our healthcare system. Unfortunately, at a time when we are working toward greater care coordination, 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. Simply put, it has left patients at greater risk of overdose death and made it harder for them to access quality health care.

With 91 people dying of a prescription opioid or heroin overdose every day, we cannot afford to let out-of-date regulations keep people suffering from substance use disorders from receiving the coordinated healthcare that they need. There is wide spread agreement in the healthcare community, including behavioral healthcare providers, that these regulations must be brought in line with today’s integrated health care system, and this recommendation was included in the White House’s opioid commission’s interim report.

The Solution:

The Legacy Act solves this problem by reforming 42 CFR Part 2 to reduce the barriers and allow medical professionals access to the vital information that they need to properly coordinate the care of their patients with substance use disorders. It is a simple change that will help strengthen patient care and reduce the risk of drug overdoses while maintaining strong patient privacy protections.