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# PARTNERSHIP TO AMEND 42 CFR PART 2

*A COALITION OF OVER 30 HEALTH CARE STAKEHOLDERS COMMITTED TO ALIGNING 42 CFR PART 2 (PART 2) WITH HIPAA TO ALLOW APPROPRIATE ACCESS TO PATIENT INFORMATION THAT IS ESSENTIAL FOR PROVIDING WHOLE-PERSON CARE.*

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July 28, 2017

The Honorable Tim Murphy  
United States House of Representatives  
2332 Rayburn House Office Building  
Washington, DC 20515

The Honorable Earl Blumenauer  
United States House of Representatives  
1111 Longworth House Office Building  
Washington, DC 20515

Dear Representatives Murphy and Blumenauer:

The undersigned members of the Partnership to Amend 42 CFR Part 2 (Partnership) and additional stakeholder organizations applaud your leadership on the issue of substance use disorder privacy records and strongly support your bill, the Overdose Prevention and Patient Safety (OPPS) Act, H.R. 3545, to align 42 CFR Part 2 (Part 2) with the Health Insurance Portability and Accountability Act (HIPAA) for the purposes of health care treatment, payment, and operations (TPO). We appreciate the provision in your bill that strengthens protections against the use of substance use disorder records in criminal proceedings.

The Partnership is a coalition of over 30 health care stakeholder organizations committed to aligning Part 2 with HIPAA to allow appropriate access to patient information that is essential for providing whole-person care.

The federal regulations governing the confidentiality of drug and alcohol treatment and prevention records, Part 2, set requirements limiting the use and disclosure of patients' substance use records from certain substance use treatment programs. Obtaining multiple consents from the patient is challenging and creates barriers to whole-person, integrated approaches to care, which are part of our current health care framework. Part 2 regulations may lead to a doctor treating a patient and writing prescriptions for opioid pain medication for that individual without knowing the person has a substance use disorder. Separation of a patient's addiction record from the rest of that person's medical record creates several problems and hinders patients from receiving safe, effective, high quality substance use treatment and coordinated care.

We are pleased that your bill would align Part 2 with HIPAA's consent requirements for the purposes of TPO, which will allow for the appropriate sharing of substance use disorder records to ensure persons with opioid use disorder and other substance use disorders receive the integrated care they need. Additionally, as we do not want patients with substance use disorders to be made vulnerable as a result of seeking treatment for addiction, this legislation strengthens protections of their records.

As you know, the Substance Abuse and Mental Health Services Administration (SAMHSA) recently released a final rule which takes some steps to modernize Part 2, but it does not go far enough. Legislative action is also necessary in order to modify Part 2 and bring substance use records into the 21<sup>st</sup> Century. We thank you for leading that effort and look forward to working with you to advance this important bipartisan legislation.

Sincerely,

Academy of Managed Care Pharmacy  
American Association on Health and Disability

American Hospital Association  
American Psychiatric Association  
American Society of Addiction Medicine  
America's Essential Hospitals  
America's Health Insurance Plans  
AMGA  
Association for Ambulatory Behavioral Healthcare  
Association for Behavioral Health and Wellness  
Association for Community Affiliated Plans  
Blue Cross Blue Shield Association  
The Catholic Health Association of the United States  
Employee Assistance Professionals Association  
Global Alliance for Behavioral Health and Social Justice  
Hazelden Betty Ford Foundation  
Health IT Now  
Healthcare Leadership Council/Confidentiality Coalition  
InfoMC  
The Joint Commission  
The Kennedy Forum  
Mental Health America  
National Alliance on Mental Illness  
National Association of Psychiatric Health Systems  
National Association of State Mental Health Program Directors  
Netsmart  
Otsuka America Pharmaceutical, Inc.  
Premier Healthcare Alliance  
Smiths Medical

Additional Stakeholder Organizations

Adventist Health  
Adventist Health System  
Aetna  
AnMed Health  
Anthem  
Association of American Medical Colleges  
Atlanticare  
Atrius Health  
Aurora Health  
Avera Health  
Banner Health  
Baptist Healthcare System  
Beacon Health Options  
East Alabama Medical Center  
First Health of the Carolinas  
Greater New York Hospital Association  
Henry Ford Health System  
Johns Hopkins Health System  
Lehigh Valley Health Network  
LifeBridge Health  
Marshfield Clinic  
Mercy Health  
Methodist Health System

Morehouse School of Medicine  
Mosaic Life Care Medical Center  
Mountain States Health Alliance  
National Association of ACOs  
New Directions Behavioral Health  
PerformCare  
SSM Health  
St. Joseph's/Candler  
Summa Health  
Trinity Health