
PARTNERSHIP TO AMEND 42 CFR PART 2

A COALITION OF OVER 35 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.

October 16, 2017

The Honorable Shelley Moore Capito
United States Senate
172 Russell Senate Office Building
Washington, DC 20510

The Honorable Joe Manchin
United States Senate
306 Hart Senate Office Building
Washington, DC 20510

Dear Senators Capito and Manchin:

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 Protecting Jessica Grubb's Legacy Act (The Legacy Act), S. 1850, 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 35 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. As you know, from Jessie Grubb's tragic experience, 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 The Legacy Act 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.

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 21st 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 Health Information Management Association
America's Health Insurance Plans
AMGA
American Association on Health and Disability
American Psychiatric Association
American Society of Addiction Medicine
American Society of Anesthesiologists
Association for Behavioral Health and Wellness
Association for community Affiliated Plans
Blue Cross Blue Shield Association
Catholic Health Association of the United States
Centerstone
Confidentiality Coalition
Global Alliance for Behavioral Health and Social Justice
Healthcare Leadership Council
Health IT Now
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
Premier Healthcare Alliance

Additional Stakeholder Organizations

Adventist Health System
Aetna
AnMed Health
Atrius Health
Cigna
Hackensack Meridian
Henry Ford Health System
Independence Blue Cross
PerformCare