

September 18, 2018

The Honorable Mitch McConnell, Majority Leader The Honorable Charles Schumer, Minority Leader

United States Senate
317 Russell Senate Office Building
Washington, DC 20510

United States Senate
322 Hart Senate Office Building
Washington, DC 20510

The Honorable Paul Ryan, Speaker
United States House of Representatives
H-232, United States Capitol
Washington, DC 20515

The Honorable Nancy Pelosi, Minority Leader
United States House of Representatives
H-204, United States Capitol
Washington, DC 20515

Dear Leader McConnell, Leader Schumer, Speaker Ryan, and Leader Pelosi:

Thank you for your leadership in combatting the opioid epidemic. The undersigned organizations represent a diverse group of stakeholders across the health care spectrum committed to aligning 42 CFR Part 2 (Part 2) with the Health Insurance Portability and Accountability Act (HIPAA) for the purposes of treatment, payment, and health care operations (TPO). The SUPPORT for Patients and Communities Act, H.R. 6, and the Opioid Crisis Response Act represent critical steps in addressing this crisis. We strongly urge you to include the Overdose Prevention and Patient Safety (OPPS) Act, H.R. 6082, in the final opioid agreement. This language will bolster the effectiveness of other key provisions in the package that promote coordinated care and expand access to treatment.

Part 2, federal regulations that govern confidentiality of drug and alcohol treatment and prevention records, sets requirements limiting the use and disclosure of patients' substance use records from certain substance use programs. Patients are required to give multiple consents, creating a barrier for integration and coordination of health care. A lack of access to the full scope of medical information for each patient can result in the inability of providers and organizations to deliver safe, high-quality treatment and care coordination. The barriers presented by Part 2 can result in the failure to integrate services and can lead to potentially dangerous medical situations for patients.

H.R. 6082, which passed the House of Representatives by a bipartisan vote of 357-57, would align Part 2 with HIPAA for TPO and strengthen protections against the use of addiction records in criminal, civil, or administrative proceedings. The bill further amplifies consumer protections by incorporating antidiscrimination language, significantly enhanced penalties for any breach of a patient's substance use record, and breach notification requirements.

As Congress works to reconcile both chambers' opioid bills, the inclusion of provisions to align Part 2 with HIPAA for TPO is critical. Modifying Part 2 to ensure that HIPAA-covered entities have access to a patient's entire medical record will improve patient safety, treatment, and

outcomes across the care delivery spectrum, enhancing the entire opioid package. The House and Senate bills contain a number of key initiatives designed to attain the goal of treating and coordinating care for persons with substance use disorder. However, the success of some of these new initiatives, such as Comprehensive Opioid Recovery Centers and expanding Medicare coverage of certain services furnished by opioid treatment programs, will be hampered without harmonizing Part 2 with HIPAA. As we build out an addiction treatment infrastructure, it is imperative for it to integrate substance use disorder, mental health, and primary care services in order to produce the best patient outcomes and establish the most effective approach to caring for people with complex health care needs.

Alignment of Part 2 with HIPAA will allow appropriate access to patient information that is essential for providing safe, effective, whole-person care, while protecting this information with enhanced penalties for unlawful disclosure and use. The Partnership strongly believes that the modernization of privacy regulations and medical records for persons with substance use disorders is a critical component for tackling the opioid crisis and will improve the overall coordination of care in the United States. As a result, we urge you to include H.R. 6082 in the final opioids agreement sent to the President's desk.