

November 16, 2018

The Honorable Lamar Alexander
Chairman
Committee on Health, Education, Labor and Pensions
United States Senate
Washington, DC 20510

The Honorable Patty Murray
Ranking Member
Committee on Health, Education, Labor and Pensions
United States Senate
Washington, DC 20510

Dear Chairman Alexander and Ranking Member Murray:

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, represents critical steps in addressing the crisis; however, a critical provision was omitted. The Overdose Prevention and Patient Safety (OPPS) Act, H.R. 6082, will bolster the effectiveness of other key provisions in the package that promote coordinated care and expand access to treatment. We urge you to consider H.R. 6082 and to encourage Senate leadership to bring this bill to the Senate floor for a vote during the lame-duck session.

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.

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 passed by the House and Senate. H.R. 6 contains 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. We strongly believe 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 consider H.R. 6082.

Sincerely,

Academy of Managed Care Pharmacy
Adventist Health System
Advocate Aurora Health
Aetna
Alabama Association of Health Information Management
Alabama Psychiatric Physicians Association
Alaska Dental Society
Alaska Health Information Management Association
Alaska Society of Addiction Medicine
Alliance of Community Health Plans
America's Essential Hospitals
America's Health Insurance Plans
America's Physician Groups
American Association of Neurological Surgeons
American Association on Health and Disability
American College of Clinical Pharmacy
American Health Information Management Association
American Hospital Association
American Osteopathic Academy of Addiction Medicine
American Psychiatric Association
American Society of Addiction Medicine
American Society of Anesthesiologists
AmeriHealth Caritas
AMGA
Anthem
Arizona Health Information Management Association
Arizona Psychiatric Society
Arkansas Society of Addiction Medicine
Ascension
Association for Behavioral Health and Wellness
Association for Community Affiliated Plans
Avera Health
Baptist Healthcare System
Beacon Health Options
Better Medicare Alliance
Blue Cross Blue Shield Association
Bon Secours Mercy Health
California Health Collaborative
California Health Information Association
California Hepatitis C Task Force
California Orthopaedic Association
California Society of Addiction Medicine
CareSource
The Catholic Health Association of the United States
Centene Corporation
Centerstone

The Chamber of Commerce of the Santa Barbara Region
Change Healthcare
Christiana Care Health System
Cigna
College of Healthcare Information Management Executives (CHIME)
Colorado Cross-Disability Coalition
Colorado Foot & Ankle Society
Colorado Health Information Management Association
Colorado Nurses Association
Colorado Society of Addiction Medicine
Community Health Charities of Nebraska
Confidentiality Coalition
Congress of Neurological Surgeons
Connecticut Health Information Management Association
Delaware Ecumenical Council on Children and Families
Delaware Health Information Management Association
Employee Assistance Professionals Association
Florida Health Information Management Association
Geisinger Health System
Georgia Health Information Management Association
Georgia Psychiatric Physicians Association, Inc.
Georgia Society of Addiction Medicine
Global Alliance for Behavioral Health and Social Justice
Greater New York Hospital Association
Hawaii Society of Addiction Medicine
Hazelden Betty Ford Foundation
Health Information Management Association of Hawaii
Health IT Now
Healthcare Leadership Council
Henry Ford Health System
Hospice and Palliative Nurses Association
Idaho Health Information Management Association
Idaho Medical Group Management Association
Idaho Podiatric Medical Association
Idaho Psychiatric Association
Illinois Health Information Management Association
Illinois Psychiatric Society
Indiana Health Information Management Association
Indiana Psychiatric Society
Indiana Society of Addiction Medicine
InfoMC, Inc.
International Association of Hepatitis Task Forces
International Cancer Advocacy Network.
Iowa Health Information Management Association
Iowa Psychiatric Society
The Joint Commission
Kansas Health Information Management Association
The Kennedy Forum

Kentucky Society of Addiction Medicine
Leidos
Living Hope for Mental Health
Louisiana Health Information Management Association
Louisiana Psychiatric Medical Association
Louisiana Society of Addiction Medicine
Magellan Health
Maine Association of Psychiatric Physicians
Maryland Health Information Management Association
Maryland Psychiatric Society, Inc
Maryland-DC Society of Addiction Medicine
Massachusetts Society of Addiction Medicine
Medicaid Health Plans of America
Medical Oncology Association of Southern California, Inc.
Mental Health America
Mental Health America of California
Mental Health America of Los Angeles
Mental Health America of Montana
MetroHealth
Michigan Health Information Management Association
Michigan Psychiatric Society
Michigan Society of Addiction Medicine
Midwest Society of Addiction Medicine (representing Kansas, Nebraska, and Missouri)
Minnesota Health Information Management Association
Mississippi Health Information Management Association
Mississippi Psychiatric Association, Inc.
Missouri Health Information Management Association
Missouri Psychiatric Physicians Association
Montana Health Information Management Association
Montana Medical Association
Montana Primary Care Association
National Alliance on Mental Illness (NAMI)
NAMI Idaho
NAMI Juneau
NAMI Keystone Pennsylvania
NAMI Minnesota
NAMI Montana
NAMI Multnomah
NAMI Nevada
NAMI Ohio
NAMI Tennessee
NAMI Texas
NAMI Washington
NAMI Wood River Valley
NAMI-NYS
National Association for Behavioral Healthcare
National Association of ACOs (NAACOS)
National Association of Addiction Treatment Providers

National Association of Counties
National Association of State Mental Health Program Directors
Nebraska Health Information Management Association
Nebraska Medical Association
Nebraska State Grange
Netsmart
Nevada Health Information Management Association
Nevada Psychiatric Association
New Directions Behavioral Health
New Hampshire Health Information Management Association
New Jersey Health Information Management Association
New Jersey Society of Addiction Medicine
New Mexico Health Information Management Association
New York County Psychiatric Society
New York Health Information Management Association
New York Society of Addiction Medicine
NOCD
North Carolina Health Information Management Association
North Carolina Psychiatric Association
North Carolina Society of Addiction Medicine
North Dakota Health Information Management Association
North Dakota Psychiatric Society
Northern California Psychiatric Society
Northwest Society of Addiction Medicine (representing Montana, North Dakota, and Wyoming)
OCHIN
Ohio Health Information Management Association
Ohio Psychiatric Physicians Association
Ohio Society of Addiction Medicine
Oklahoma Health Information Management Association
Oklahoma Psychiatric Physicians Association
OPEN MINDS
Oregon Academy of Family Physicians
Oregon Health Information Management Association
Oregon Podiatric Medical Association
Oregon Society of Anesthesiologists
Oregon Urological Society
Otsuka America Pharmaceutical, Inc.
Pennsylvania Health Information Management Association
Pennsylvania Psychiatric Society
Pennsylvania Society of Addiction Medicine
PerformCare
Physicians for Responsible Opioid Prescribing
Premier Healthcare Alliance
Providence St. Joseph Health
Psychiatric Society of Virginia, Inc.
Rhode Island Health Information Management Association
Rhode Island Psychiatric Society
Rhode Island Society of Addiction Medicine

Rio Grande Foundation
Robert Wood Johnson Barnabas Health
SCAN Health Plan
Shatterproof
Sjögren's and Lupus Foundation of Hawaii
South Carolina Health Information Management Association
South Carolina Society of Addiction Medicine
Strategic Health Information Exchange Collaborative
Tennessee Health Information Management Association
Texas Health Information Management Association
Texas Society of Addiction Medicine
Trinity Health
UPMC Insurance Services
U.S. Chamber of Commerce
Utah Medical Association
Utah Psychiatric Association
Utah Society of Addiction Medicine
Virginia Society of Addiction Medicine
Vizient, Inc.
Waianae Coast Comprehensive Health Center
Washington Health Information Management Association
Washington Mental Health Counseling Association
Washington Psychiatric Society
Washington Society of Addiction Medicine
Washington State Medical Association
Washington State Prostate Cancer Coalition
Washington State Radiological Society
West Virginia Health Information Management Association
West Virginia Psychiatric Association
Wisconsin Health Information Management Association
Wisconsin Psychiatric Association
Wisconsin Society of Addiction Medicine

As of 11/16/18