



THE PARTNERSHIP TO AMEND

42 CFR PART 2

FOR IMMEDIATE RELEASE

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Health Care Coalition Submits Comments on Confidentiality of Substance Use Disorder Patient Records

Washington, DC (January 31, 2023) - [The Partnership to Amend 42 CFR Part 2](#) (The Partnership), a coalition of nearly 50 health care organizations committed to aligning 42 CFR Part 2 (Part 2) with the Health Insurance Portability and Accountability Act (HIPAA) for treatment, payment, and health care operations (TPO), today submitted comments in response to the notice of proposed rulemaking (NPRM), [Confidentiality of Substance Use Disorder \(SUD\) Patient Records](#), released by the U.S. Department of Health and Human Services (HHS), Office for Civil Rights (OCR), and Substance Abuse and Mental Health Services Administration (SAMHSA).

The Partnership is grateful to HHS, OCR, and SAMHSA for this proposed rule that seeks to implement sections from the [Coronavirus Aid, Relief, and Economic Security \(CARES\) Act](#) to better align the Confidentiality of Substance Use Disorder Patient Records regulations under Part 2 with HIPAA. At a time when opioid overdoses and deaths are increasing, care coordination must be as streamlined and straightforward as possible while maintaining patient privacy.

As a coalition of nearly 50 organizations spanning the range of health care entities, we are pleased to see the following in the proposed rule:

- Simplified consent requirements that will improve the care coordination and communication between providers and other elements of the health care system,
- Alignment with HIPAA on definitions such as business associate, covered entity, breach notifications, and health care operations, and
- Enhanced patient protections.

While the Partnership strongly supports HHS's, OCR's, and SAMHSA's efforts, we urge the agency to consider the following:

- Address difficulties surrounding the segmentation of Part 2 data after transmission,
- Work with stakeholders to offer robust technical assistance to implement the new law, and
- Study the impact and benefits of complete alignment with the HIPAA Privacy rule, including protections against uses and disclosures in civil, criminal, administrative, or legislative proceedings.

Read the Partnership's full comments [here](#).

To learn more about The Partnership to Amend 42 CFR Part 2, please visit www.helpendopioidcrisis.org

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Members of The Partnership to Amend 42 CFR Part 2 include:

Academy of Managed Care Pharmacy · Alliance of Community Health Plans · American Association on Health and Disability · American Association of Psychiatric Pharmacists · American Health Information Management Association · American Hospital Association · American Psychiatric Association · American Society of Addiction Medicine · American Society of Anesthesiologists · America's Essential Hospitals · AHIP · AMGA · Association for Ambulatory Behavioral Healthcare · Association for Behavioral Health and Wellness · Association for Community Affiliated Plans · Association of Clinicians for the Underserved · Blue Cross Blue Shield Association · The Catholic Health Association of the United States · Centerstone · College of Healthcare Information Management Executives · Confidentiality Coalition · Employee Assistance Professionals Association · Global Alliance for Behavioral Health and Social Justice · Hazelden Betty Ford Foundation · Healthcare Leadership Council · InfoMC · Illinois Association for Behavioral Health · The Joint Commission · The Kennedy Forum · Medicaid Health Plans of America · Mental Health America · National Alliance on Mental Illness · National Association for Behavioral Healthcare · National Association for Rural Mental Health · National Association of ACOs · National Association of Addiction Treatment Providers · National Association of Counties · National Association of County Behavioral Health and Development Disability Directors · National Association of State Mental Health Program Directors · National Rural Health Association · Netsmart · OCHIN · Opioid Safety Alliance · Otsuka America Pharmaceutical, Inc. · Primary Care Collaborative · Pharmaceutical Care Management Association · Premier Inc. · Population Health Alliance · Smiths Medical · Strategic Health Information Exchange Collaborative