

September 18, 2018

The Honorable Mitch McConnell, Majority Leader  
United States Senate  
317 Russell Senate Office Building  
Washington, DC 20510

The Honorable Charles Schumer, Minority Leader  
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.

Sincerely,

Academy of Managed Care Pharmacy  
Adventist Health  
Advocates for Opioid Recovery  
Aetna  
Alliance of Community Health Plans  
American Association of Orthopaedic Surgeons  
American Association of Neurological Surgeons  
American Association on Health and Disability  
American Dance Therapy Association  
American Health Information Management Association  
American Hospital Association  
American Psychiatric Association  
American Society of Addiction Medicine  
American Society of Anesthesiologists  
America's Essential Hospitals  
America's Health Insurance Plans  
AMGA  
AMN Healthcare  
Anthem  
Ascension  
Association for Behavioral Health and Wellness  
Association for Community Affiliated Plans  
Atrium Health  
Avera Health  
Beacon Health Options  
Better Medicare Alliance  
Billings Clinic  
Blue Cross Blue Shield Association  
Bon Secours Mercy Health  
California Health Collaborative  
California Hepatitis C Task Force  
CareSource  
The Catholic Health Association of the United States  
Centene Corporation  
Centerstone  
Cerner Corporation  
Change Healthcare  
Cigna  
College of Healthcare Information Management Executives

Community Health Charities of Nebraska  
Confidentiality Coalition  
Congress of Neurological Surgeons  
Delaware Ecumenical Council on Children and Families  
Einstein Healthcare Network  
Employee Assistance Professionals Association  
Global Alliance for Behavioral Health and Social Justice  
Greater New York Hospital Association  
Hackensack Meridian *Health*  
Hartford Healthcare  
Hazelden Betty Ford Foundation  
Health IT Now  
Healthcare Leadership Council  
Hospice and Palliative Nurses Association  
Indiana Health Industry Forum  
InfoMC  
International Association of Hepatitis Task Forces  
Johns Hopkins Medicine  
The Joint Commission  
The Kennedy Forum  
Leidos  
Lifebridge Health  
Living Hope for Mental Health  
Lupus and Allied Diseases Association, Inc.  
Lupus Foundation of Arkansas, Inc.  
Magellan Health  
Marshfield Clinic Health System  
Medicaid Health Plans of America  
Mental Health America  
Mental Health America of Hawai'i  
Mental Health America of Montana  
National Alliance on Mental Illness  
NAMI Clackamas  
NAMI Georgia  
NAMI Keystone PA  
NAMI Minnesota  
NAMI Multnomah  
NAMI Nevada  
NAMI-NYS  
NAMI Tennessee  
NAMI Texas  
NAMI Washington  
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 Developmental Disability Directors

National Association of State Mental Health Program Directors  
National Oncology State Network  
Netsmart  
New Directions Behavioral Health  
New Jersey Association of Mental Health and Addiction Agencies, Inc.  
OCHIN  
OPEN MINDS  
Optum  
Oregon Urological Society  
Otsuka America Pharmaceutical, Inc.  
Pacific Dental Services  
PerformCare  
Pharmaceutical Care Management Association  
Premier Healthcare Alliance  
SCAN Health Plan  
Shatterproof  
Sjögrens and Lupus Foundation of Hawaii  
Summa Health System  
Texas Health Resources  
Trinity Health  
Vizient  
Waianae Coast Comprehensive Health Center  
Washington State Prostate Cancer Coalition  
Washington State Urology Society

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