

United States Senate

WASHINGTON, DC 20510

September 20, 2018

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

The Honorable Greg Walden
Chairman
Committee on Energy and Commerce
United States House of Representatives
Washington DC 20510

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

The Honorable Frank Pallone, Jr.
Ranking Member
Committee on Energy and Commerce
United States House of Representatives
Washington DC 20510

Dear Chairman Alexander, Chairman Walden, Ranking Member Murray, and Ranking Member Pallone:

We applaud the diligent work of the Senate Health Education Labor and Pensions, Finance, Commerce, Judiciary, and Banking Committees in developing a comprehensive response to the opioid epidemic that secured such strong bipartisan support. The Opioid Crisis Response Act, along with the SUPPORT for Patients and Communities Act, H.R. 6, will go far in addressing the opioid and drug epidemic that claimed 72,000 lives in 2017. As a final legislative package is being developed, we write to express our support for the inclusion of the Protecting Jessica Grubb's Legacy Act (S. 1850), which would further improve integrated treatment and care for those suffering from substance use. Companion legislation, the Overdose Prevention and Patient Safety (OPPS) Act, H.R. 6082, recently passed the House of Representatives by an overwhelmingly bipartisan vote of 357-57.

42 CFR Part 2 (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.

The Legacy Act was written after we lost Jessica Grubb more than two years ago for one simple reason: one of her physicians did not know that she was in recovery from an opioid addiction and sent her home from the hospital with 50 pills of oxycodone. Jessie's death could have easily been prevented. Both the Legacy Act and H.R. 6082 would align Part 2 with HIPAA for treatment, payment, and health care operations (TPO) and strengthen protections against the use of addiction records in criminal, civil, or administrative proceedings. H.R. 6082 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.

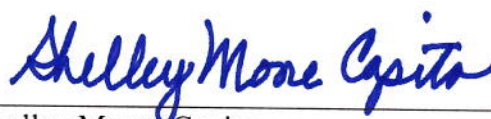
As both chambers' opioid bills are reconciled, it is imperative that they include H.R. 6082 to align Part 2 with HIPAA for the purposes of TPO. The House and Senate packages contain a number of key initiatives designed to attain the goal of treating and coordinating care for persons with substance use 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.

Modernizing Part 2 by aligning it with HIPAA will allow for better coordination of care and ensure that health care professionals have the information they need to safely and effectively treat all patients. We look forward to working with you to advance this important policy this year.

Sincerely,



Joe Manchin III
United States Senator



Shelley Moore Capito
United States Senator



Sheldon Whitehouse
United States Senator



Susan M. Collins
United States Senator



Jeffrey A. Merkley
United States Senator



M. Michael Rounds
United States Senator



Amy Klobuchar
United States Senator



Bill Cassidy, M.D.
United States Senator



Joe Donnelly
United States Senator