Date xx, 2019

The Honorable Alex Azar
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

Dear Secretary Azar:

We write to urge you to initiate a rulemaking process on the Confidentiality of Alcohol and Drug Abuse Patient Records, 42 Code of Federal Regulations 2, also known as 42 CFR Part 2.

As you know, 42 CFR Part 2 (Part 2) 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.

During the 115th Congress, the House of Representatives passed legislation to modernize Part 2 by an overwhelmingly bipartisan vote of 357-57. H.R. 6082, the Overdose Prevention and Patient Safety Act (OPPS Act), 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. This bill further amplifies patient protections by incorporating antidiscrimination language, significantly enhanced penalties for any breach of a patient's substance use record, and breach notification requirements.

Part 2 provisions are not compatible with the way health care is delivered currently. In order to bring them in line with 21st Century medicine, it is imperative to modernize the regulations. Initiating a rulemaking process will open the door for necessary reforms, allowing for better coordination, safer and more effective treatment for patients, and stronger patient protections.

Sincerely,

Joe Manchin III
Shelley Moore Capito