



## KENTUCKY MENTAL HEALTH COALITION

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April 23, 2018

Representative Greg Walden  
Chairman  
Energy and Commerce Committee  
2185 Rayburn House Office Building  
Washington, DC 20515

Representative Frank Pallone, Jr.  
Ranking Member  
U.S. House of Representatives  
Energy and Commerce Committee  
237 Cannon House Office Building  
Washington, DC 20515

RE: Opposition to H.R. 3545 - "Overdose Prevention and Patient Safety Act" and Support for Other Legislative Proposals to Preserve Confidentiality and Coordinate Care

Dear Chairman Walden and Ranking Member Pallone:

On behalf of the eighty (80) member organizations of the KY Mental Health Coalition, I am writing to express our strong opposition to H.R. 3545, the "Overdose Prevention and Patient Safety Act." As you know, we are in the midst of the worst opioid epidemic in our nation's history. It is a time when we must do everything possible to increase the number of people who seek treatment for their addiction. Our grave concern is that H.R. 3545 would not only not encourage individuals to seek treatment, but would actually discourage them from doing so.

**H.R. 3545 would discourage people from entering care out of fear that their treatment records will be used against them in many harmful ways. The bill would reduce privacy protections for individuals receiving substance use disorder ("SUD") treatment by allowing disclosures and re-disclosures of SUD information without patient consent to a wide range of health care providers, coverage plans and others.**

The Kentucky Mental Health Coalition (KMHC) includes every kind of behavioral health professional licensed in Kentucky, as well as public-sector and private-sector agencies and treatment facilities. Our membership also includes advocacy, consumer and family groups who are very clear that protection of personal information is a key requisite of seeking treatment for addictive disorders.

ADVOCACY ACTION NETWORK  
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- The heightened protections for substance use disorder records in the federal confidentiality law, 42 U.S.C. § 290dd-2 and its regulations at 42 CFR Part 2 (collectively known as “Part 2”), are as critically important today as ever. They support care coordination while maintaining patient confidentiality to help ensure that people enter SUD treatment.
- SAMHSA’s amendments to Part 2 by in 2017 and 2018 have made it much easier to facilitate (with patient consent) the sharing of health information between SUD and other health care providers in electronic health information systems and coordinated care settings. Unfortunately, many in the health care system do not know what these rules allow, and many SUD treatment programs do not have adequate computer systems to enable them to maintain electronic health records.
- Patients in substance abuse disorder treatment should retain the power to decide when and to whom their records are disclosed, given the continued prevalence of discrimination in our society.

For these reasons, **we oppose H.R. 3545** and instead **support the following bills** that are critical to preserving patient confidentiality and coordinating care among various health providers:

- **The Senate’s bipartisan “Opioid Crisis Response Act of 2018:”** Provides model programs and materials for training health providers and compliance staff on the permitted uses and disclosures of substance use disorder information, and training family members and patients on their rights to protect and obtain substance use disorder information.
- **H.R. 3331 – Introduced by Representative Lynn Jenkins and co-sponsored by Representative Doris Matsui:** Provides needed incentive payments to substance use disorder and behavioral health providers to obtain certified electronic health record technology.

Thank you for your attention to this critically important issue. The lives of those with addictions depend on your actions.

Sincerely,



Sheila A. Schuster, Ph.D.  
Executive Director