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April 12, 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:

*[I am writing on behalf of the Long Island Recovery Association (LIRA) to express our strong opposition to H.R. 3545, the "Overdose Prevention and Patient Safety Act." In the midst of the worst opioid epidemic in our nation's history, we must do everything possible to increase the number of people who seek treatment, but H.R. 3545 would do the opposite. **By reducing privacy protections for individuals receiving substance use disorder ("SUD") treatment to allow disclosures and re-disclosures of SUD information without patient consent to a wide range of health care providers and plans and others with whom they work, 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.***

*As an individual in long term recovery, when I first decided to go to treatment in 1988 knowing that my presence and related details of my stay were protected provided me*

*with a sense of comfort and ease that allowed me to follow through on that life altering commitment. Knowing I was able to focus on the task at hand without worrying that my employer and others may know about my medical condition was a big reason I was able to trust the process leading to a sustained life in recovery now approaching thirty years. Had the long standing full provisions of CFR 42 not been in place I am certain I would not have entered treatment at that time. I cannot emphasize enough my belief that that these proposed changes in this legislation, particularly as we face the opioid crisis the number one healthcare issue in America, would have widespread negative impact on individuals in need of treatment for substance use disorders.*

- 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; supporting care coordination and maintaining confidentiality to help ensure that people enter SUD treatment.
- 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 LIRA opposes H.R. 3545. We support the following bills that are critical to preserving patient confidentiality and care between 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 consideration and anticipated support.

Sincerely,

Richard Buckman  
Immediate Past President  
Founding Member

