



May 8, 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 to express the National Association for Children of Addiction (NACoA)'s 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.**

NACoA is the voice for the 1 in 4 children whose parents suffer from substance use disorders. These children are the unaddressed victims in the addiction epidemic that continues to sweep our country destroying families, costing jobs, increasing family violence, and reducing the children's opportunity for a safe and productive life each day addicted parents do not receive treatment and recovery support. This proposed legislation will delay parental help to get well and parental possibilities to obtain gainful employment in early recovery, thus stigmatizing and isolating vast numbers of children from a part of mainstream American opportunity. Fear of losing their children already helps to keep many parents from seeking treatment. H.R. 3545 exacerbates that problem.

SAMHSA's amendments to Part 2 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. An important consequence to preserving that power will be the likelihood that their children will have parents who enter and finish treatment and go on to recovery and obtain gainful employment to help support their families, thus giving their children an equal opportunity to succeed.

For these reasons, we oppose H.R. 3545 and instead support the following bills that are critical to preserving patient confidentiality and coordinating 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 considering the unintended consequences of H.R. 3545 to already vulnerable children.

Sincerely,



Sis Wenger
President/CEO

