

*TEMPLATE FOR COMMENTS OPPOSING H.R. 3545, "OVERDOSE PREVENTION
AND PATIENT SAFETY ACT"*

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Serenity Health, LLC
780 W Bel Air Ave, Suite B
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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:

Serenity Health writes to express our 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.**

Some time ago, we had a young lady in our methadone maintenance program that committed suicide. She had several admissions to other levels of care that were unsuccessful, so she entered the methadone maintenance program. She had turned her life around. She was in college, working full-time, owned her own car, was purchasing a house and was no longer using illicit substances. She had to complete

probation for crimes she had committed while she was actively using illicit drugs. Her mother did not know she was in methadone treatment. She did not want her mother to know because her mother did not agree with methadone. The judge found out she was in the methadone maintenance program and disclosed it in a court hearing with her mother present. The judge and her mother insisted that she “get off that stuff”, and she complied only because of the pressure from both to do so. She began abusing illicit substances and participating in illegal activity to obtain those substances. The guilt and shame of returning to what she described as “a life of hell”, lead her to write a suicide note and end her life. If her confidentiality had not been violated, she may have been the one writing this letter. As healthcare providers, we are trained and educated as to the best approach for releasing pertinent health information to assure safe and appropriate disclosure of protected information.

- 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, Serenity Health opposes 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.

Sincerely,

Nancy J Turner, RN, MBR, DMP

Nancy J. Turner, RN, MBR, DMP

CEO

Serenity Health, LLC