

From: Babak Imanael
To: [Gordon, Waverly](#)
Subject: Opposition to H.R. 3545 - "Overdose Prevention and Patient Safety Act" and Support for Other Legislative Proposals to Preserve Confidentiality and Coordinate Care
Date: Sunday, April 15, 2018 12:40:26 PM

Dear Chairman Walden :

On behalf of BH Health Services, I'm writing 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.

- 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 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,

Babak Imanael, DO
Medical Director and President
BH Health Services, Inc.
450 E. Main Street
Westminster, MD 21157
Phone: 410-871-3005
Fax: 443-293-8711

