

Victory Clinical Services

CARF Accredited

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April 17, 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:

We at Victory Clinical Services would like 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.**

As an accredited treatment provider for Opioid Use Disorder since 1996, we know and have experienced the stigma still present with opioid use disorder and the evidence-based treatment options available to help save lives. Without the protection of confidentiality on treatment records, the trust that Victory Clinic is able to extend to potential patients – to get them off the street, out of crime, and into treatment – would be shattered.

Furthermore, 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 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.

For these reasons, Victory Clinical Services opposes H.R. 3545 and instead supports 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 your attention to our input.

Sincerely,



Erin LaCourt, LAC, ccdp, cadc, cadaII
VCS Program Director
AATOD Delegate for Indiana
Vice President Indiana Association for
Treatment of Opioid Dependence

CC: Mark Parrino, AATOD President
David Blankenship, VCS Executive Director