



American Hospital  
Association®

800 10th Street, NW  
Two CityCenter, Suite 400  
Washington, DC 20001-4956  
(202) 638-1100 Phone  
[www.aha.org](http://www.aha.org)

April 10, 2018

The Honorable Greg Walden  
Chairman  
Energy and Commerce Committee  
United States House of Representatives  
2125 Rayburn House Office Building  
Washington, DC 20515

The Honorable Frank Pallone, Jr.  
Ranking Member  
Energy and Commerce Committee  
United States House of Representatives  
2125 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Walden and Ranking Member Pallone:

On behalf of our nearly 5,000 member hospitals, health systems and other health care organizations, and our clinician partners – including more than 270,000 affiliated physicians, 2 million nurses and other caregivers – the American Hospital Association (AHA) thanks you for your leadership in addressing the nation's opioid epidemic. As you begin to craft comprehensive legislation in the Energy and Commerce Committee, we write to reiterate our strong support of H.R. 3545, the Overdose Prevention and Patient Safety (OPPS) Act, which would align 42 CFR Part 2 with the Health Insurance Portability and Accountability Act for the purposes of treatment, payment and health care operations.

Clinicians treating patients for any condition need access to their complete medical histories, including information related to any substance use disorder (SUD), to ensure their patients' safety, and delivery of the highest quality care. Partitioning a patient's record to keep SUD diagnoses and treatments hidden from the clinicians entrusted to care for the patient, as required by 42 CFR Part 2, is dangerous for the patient, problematic for providers and contributes to the stigmatization of mental and behavioral health conditions.

Too many patients who suffer from an SUD have stories of how a well-intentioned emergency room physician or other clinician nearly prescribed them an opioid or another drug that would have endangered their life or sobriety. Such incidents occur because current law prevents some clinicians from accessing information on the patient's SUD and treatment plan unless the patient has given consent.

Clinicians in our hospitals and health systems must go to extraordinary lengths to comply with the requirements of 42 CFR Part 2. For example, we have heard concerns from obstetricians who specialize in treating pregnant women with SUD diagnoses and other clinicians who treat both the physical and SUD diagnoses of patients. To ensure compliance with 42 CFR, Part 2, as currently



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written, they must maintain two separate computers and two separate medical records. This adds burden and expense, but without benefit.

Recent revisions made by the Substance Abuse and Mental Health Services Administration (SAMHSA) to the Part 2 regulations are not a significant improvement over the previous requirements, and do little to eliminate the regulation's barriers that impede the robust sharing of patient information necessary for effective clinical integration and quality improvement. Complete alignment of Part 2 with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) privacy rule will therefore require statutory changes.

The importance of coordinated care for patients in treatment for opioid use disorder cannot be overstated, and 42 CFR Part 2, enacted more than 40 years ago, is a major barrier to such care. Congress must amend this law, which impedes the sharing of critical patient information that is necessary to deliver the most effective and efficient care. Applying the same requirements to all patient information – whether behavioral or medical – would support the appropriate information sharing essential for clinical care coordination and population health improvement, while safeguarding patient information from unwarranted disclosure. H.R. 3545 would achieve these goals and we, therefore, urge the Committee to report this important legislation as introduced.

If you have questions or would like further information, please contact Priscilla A. Ross, Senior Associate Director, Federal Relations, at [pross@aha.org](mailto:pross@aha.org) or (202) 626-2677.

Sincerely,

/s/

Thomas P. Nickels  
Executive Vice President

cc: Members of the Committee on Energy and Commerce