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Albany, New York  
12203  
518-487-4395  
www.FOR-NY.ORG

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April 24, 2018

To:  
Representative Greg Walden, Chairman  
U.S. House of Representatives  
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 you today to express Friends of Recovery – New York (FOR-NY) 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.

FOR-NY is a 501(c)3 non-profit organization with a mission to demonstrate the power and promise of recovery from addictions and its value to individuals, families and communities throughout New York State and the nation. We actively seek to advance public policies and practices that promote and support recovery.

Through data collection via *Recovery Talks: Community Listening Forums*, two statewide recovery surveys published in 2016 and 2017 and through word of mouth from our constituency of over 260,000 people entering recovery every year, we understand the consensus that confidentiality is of utmost important to people with addiction and people in recovery.

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.

Patients in SUD 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, FOR-NY 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.

Sincerely,



Stephanie Campbell  
Executive Director  
Friends of Recovery – New York

Co-signed by local chapter affiliates of FOR-NY:

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