

SUPPORT THE INTEGRATION OF CARE FOR SUBSTANCE USE DISORDERS

APA Position

Patient's substance use records under 42 CFR Part 2 (Part 2) should be integrated with their standard medical information to ensure provider coordination and optimal care and treatment of the patient. The current law for substance use records creates medical record silos that result in fragmented care that jeopardizes patient safety, undermines collaborative care, and further stigmatizes substance use disorders (SUD).

Comprehensive Part 2 reform is essential to effectively addressing the opioid crisis.

- **Legislative Ask: Cosponsor bipartisan Part 2 reform legislation (H.R. 2062 / S. 1012) by contacting Representatives Earl Blumenauer (D-OR) and Markwayne Mullin (R-OK) or Senators Joe Manchin (D-WV) and Shelley Moore Capito (R-WV).**

Background

Providers are restricted from sharing a patient's substance use disorder (SUD) records with other health care providers. These outdated Part 2 regulations, which pre-date HIPAA, were intended to provide heightened protections against unwarranted disclosure of SUD records. However, now they separate SUD records from the patient's other medical records. This creates unnecessary barriers to integrated patient care and can lead to worse patient outcomes, including, the unwitting prescription of medications that are contra-indicated to medications commonly used in the treatment of substance use disorder.

It is vital that treating physicians have access to a patient's full record, while still adhering to the necessary privacy standards that protect sensitive patient substance use records against unwarranted disclosure.

Part 2 reform legislation (H.R. 2062/S. 1012) would ensure that individuals with substance use disorder receive the optimal care they deserve and contains consumer protections requiring breach notification and enhanced penalties for unwarranted disclosures as well as anti-discrimination provisions and prohibitions of SUD records in criminal, civil or investigative proceedings.

Current Status

In the 115th Congress, the House passed bipartisan Part 2 reform legislation on an overwhelmingly bipartisan (357-57) basis. However, the bill did not receive a vote in the Senate.

In the 116th Congress, APA continues to fight for the passage of H.R. 2062, introduced by Representatives Earl Blumenauer (D-OR) and Markwayne Mullin (R-OK), and S. 1012, introduced by Senators Joe Manchin (D-WV) and Shelley Moore Capito (R-WV).

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