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**ABHW Comments on SAMHSA’s Final Rule on 42 CFR Part 2**  
***Confidentiality Rules for Substance Use Disorder Patient Records***

WASHINGTON, D.C. (January 3, 2018) – The Association for Behavioral Health and Wellness (ABHW), the national voice for payers that manage behavioral health insurance benefits for over 175 million people, today issued the following statement in regard to the Substance Abuse and Mental Health Service Administration's (SAMHSA) final rule on Confidentiality of Substance Use Disorder Patient Records, 42 Code of Federal Regulations Part 2 (42 CFR Part 2).

This final rule will facilitate sharing of substance use disorder (SUD) patient information for health care operations and payment purposes with patient consent; support audit and evaluation activities; and permit use of an abbreviated notice of prohibition of re-disclosure that may assist users of electronic health records.

The following statement is attributed to Rebecca Murow Klein, ABHW, Director of Government Relations.

“Our hope was that the final rule would align substance use privacy protections with the Health Insurance Portability and Accountability Act (HIPAA) for health care treatment, payment, and operations. While the rule does help to promote the appropriate sharing of SUD information for health care payment and operations purposes, more needs to be done to allow for the sharing of SUD records for treatment and care coordination. Communication is often limited among providers, and in some cases, the ability to use existing medical information to identify members at risk for substance, such as opioid, misuse or diversion can be limited as well. Separation of substance use from the rest of medicine creates several problems: primary care lacks the ability to coordinate a patient’s medical and substance use treatment; substance use treatment programs lack the capability to coordinate a patient’s medical and substance use care; and patients are put at risk of unsafe, uncoordinated, and uninformed care.

“ABHW and its members are encouraged by SAMHSA’s efforts to address the consequences of inadequate access to a patient’s medical, including SUD, records. We will continue to actively pursue legislative changes that will allow for disclosures for treatment and care coordination purposes, as the final regulation falls short of full alignment with HIPAA.”

SAMSHA Final Rule: [42 CFR Part 2](#)

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*ABHW is an association of the nation’s leading behavioral health and wellness companies. These companies provide an array of services related to mental health, substance use disorders, employee assistance, disease management, and other health and wellness programs to over 175 million people in both the public and private sectors. ABHW and its member companies use their behavioral health expertise to improve health care outcomes for individuals and families across the health care spectrum. Member companies - Aetna Behavioral Health, Anthem, Beacon Health Options, Centene Corporation, Cigna, Humana Behavioral Health, New Directions Behavioral Health, Optum, and PerformCare.*