



Advancing Health Care Policy
for Mental Health and Addiction

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ABHW Pleased with Passage of Opioid Legislation yet Disappointed in Exclusion of Enhanced Privacy Protections

Washington, DC (September 17, 2018) – The [Association for Behavioral Health and Wellness \(ABHW\)](http://www.abhw.org), the national voice for payers that manage behavioral health insurance benefits for over 175 million people, was pleased with the passage of the opioid legislation yet disappointment that enhanced privacy and confidentiality provisions for substance use disorder (SUD) records, 42 CFR Part 2 (Part 2), was excluded from the Opioid Crisis Response Act of 2018 passed by the U.S. Senate today.

While we are pleased with many provisions, including: the requirement for the Department of Health and Human Services (HHS) to issue best practices for entities operating recovery housing facilities, expanded use of telehealth services for the treatment of SUD, support for peer services, and improvements to Prescription Drug Monitoring Programs (PDMP), this bill does not go far enough.

The exclusion of Part 2 reform, federal regulations that govern confidentiality of drug and alcohol treatment and prevention records, can result in the failure to integrate services and may lead to potentially dangerous medical situations.

The Overdose Prevention and Patient Safety (OPPS) Act, H.R. 6082, recently passed the House of Representatives by an overwhelming bi-partisan vote of 357-57. This bill would align Part 2 with the Health Insurance Portability and Accountability Act (HIPAA) for treatment, payment, and health care operations (TPO), while strengthening protections against the use of addiction records in criminal, civil, or administrative proceedings. The bill further amplifies consumer protections by incorporating antidiscrimination language, significantly enhanced penalties for any breach of a patient's substance use record, and breach notification requirements.

As the House and Senate work to reconcile their respective opioid packages, it is imperative that the final opioid agreement includes H.R. 6082. ABHW and our members support Congress's efforts and look forward to working together to pass comprehensive legislation to combat the opioid epidemic.

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[ABHW](#) is the leading health plan association working to improve access and quality of care for mental health and substance use disorders. ABHW's members include national and regional health plans who care for more than 175 million people. Together we work to reduce stigma and advance federal policy on mental health and addiction care. Member companies - Aetna Behavioral Health, Anthem, Beacon Health Options, Centene Corporation, Cigna, Magellan Health, New Directions Behavioral Health, Optum, and PerformCare.