



Advancing Health Care Policy
for Mental Health and Addiction

FOR IMMEDIATE RELEASE

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ABHW Comments on Proposed Modifications to HIPAA Privacy Rule

Washington, DC (May 7, 2021) – The Association for Behavioral Health and Wellness (ABHW), the national voice for payers that manage behavioral health insurance benefits for over 200 million people, submitted comments on the Proposed Modifications to the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule (proposed rule).

ABHW and our members are supportive of the overall intent of the proposed rule and agree that patients should have access to their records and data should flow easily between providers, plans, and patients. Coordinated, integrated medical and behavioral healthcare improves outcomes and is cost effective. However, **there are a number of areas where we see concerns, including:**

- Potential ambiguity with expanding the use of protected health information (PHI) for care coordination and case management.
- Need for clarification when replacing “professional judgment” with “good faith belief.”
- Burdens related to reducing an individual’s right to access information to within 15 days of request.
- Conflicts with existing state laws.
- We encourage HHS to reevaluate the entities and data that are covered by HIPAA regulations, as well as expeditiously promulgate updated 42 CFR Part 2 (Part 2) Rules as required by the CARES Act.

Read full comment [HERE](#).

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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 200 million people. Together we work to reduce stigma and advance federal policy on mental health and addiction care. Member companies - Aetna Behavioral Health, AmeriHealth Caritas, Anthem/Beacon, Centene Corporation, Cigna, Kaiser Permanente, Magellan Health, New Directions Behavioral Health, and Optum.