



## Washington State Legislature

June 11, 2018

The Honorable Maria Cantwell  
United State Senate  
511 Hart Office Building  
Washington, D.C. 20510

The Honorable Patty Murray  
United States Senate  
154 Russell Office Building  
Washington, D.C. 20510

Dear Senator Cantwell and Senator Murray:

The undersigned members of the Washington State Legislature applaud your leadership and your efforts in addressing the issue of substance abuse and combating the opioid crisis impacting Washingtonians.

The current state of S. 2680 indicates a strong bipartisan effort to end the opioid crisis, but there is still a great deal of work to be done to ensure that patients receive the best care possible. Recently, the Overdose Prevention and Patient Safety (OPPS) Act, H.R. 5795, was voted out of the Committee on Energy and Commerce, effectively aligning 42 CFR Part 2 (Part 2) with the Health Insurance Portability and Accountability Act (HIPAA) for the purposes of health care treatment, payment, and operations (TPO).

For the sake of Washingtonians' health, and the health of the nation, we urge you to adopt a similar provision in S. 2680, as the alignment of Part 2 and HIPAA ensures higher quality care for those with substance use disorders.

Title 42 of the Code of Federal Regulations Part 2 (42 CFR Part 2), the federal regulations governing the confidentiality of drug and alcohol treatment and prevention records, was originally adopted in the 1970s long before electronic health records, widely used today, had been implemented. To best serve patients, this policy must be updated.

Page Two  
June 11, 2018  
United States Senators Murray and Cantwell

Currently, under the Part 2 rule, hospitals and physician practices cannot access patients' substance use disorder (SUD) medical records unless the patient provides written consent to the system or individually names every physician they utilize for care. Protecting patients' confidentiality is of the utmost importance and these records will continue to be protected. To that end, this legislation strengthens protections and limits the number of institutions that have access to patient records. However, in its current state, Part 2 creates barriers to providing the best care possible to individuals with substance abuse disorders.

H.R. 5795 aligns Part 2 with HIPAA's consent requirements for the purposes of TPO, which allows for the appropriate sharing of substance use disorder records to ensure persons with opioid use disorders and other substance use disorders receive the integrated care they need. We implore you to support the adoption of a provision similar to H.R. 5795 in S. 2680, as it will aid in the care of some the nation's most vulnerable individuals.

Thank you both for your leadership on this issue and we look forward to working with you on helping to address the opioid crisis by passing this important bipartisan legislation on the Floor of the U.S. Senate.

Sincerely,



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Annette Cleveland  
Chair, Health & Long Term Care Committee  
Washington State Senator  
49<sup>th</sup> Legislative District



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Eileen Cody  
Chair, Health Care & Wellness Committee  
Washington State Representative  
34<sup>th</sup> Legislative District



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Karen Keiser  
Chair, Labor & Commerce Committee  
Washington State Senator  
33<sup>rd</sup> Legislative District