



ACTION ALERT!

CALL YOUR SENATORS TODAY TO MAINTAIN PATIENTS' RIGHT TO CONSENT AND PROTECT PEOPLE WITH SUBSTANCE USE DISORDERS FROM DISCRIMINATION

What You Need to Say (Message):

"I am a constituent who lives in Senator _____'s state and I urge the Senator to protect patient privacy and oppose S. 1012.

S. 1012 would allow the sharing of patient health information without patient consent. In the middle of our nation's opioid crisis – S. 1012 is harmful and would prevent people who need substance use disorder treatment from entering care out of fear that their private health information would be used against them in harmful ways."

Thank you.

Action Needed NOW:

- **Call your U.S. Senators through the U.S. Capitol switchboard at (202) 224-3121.**
 - Find out the names of the two U.S. Senators in your state:
<https://www.senate.gov/senators/contact>. *It is especially important to call your senators if they are members of the Senate Health, Education, Labor & Pensions ("HELP") Committee, since this Committee reviews health issues.*
 - You should ask to speak to the legislative assistant who focuses on health issues, or the legislative director, and convey the message above.
 - You should feel free to share with the staffer the role that privacy protections played when you/or your loved one or patient sought addiction care.
 - Go to your Senators' specific websites to locate the contact information for their local offices.

Get the Real Facts:

The current federal confidentiality law (42 U.S.C. § 290dd-2) and its regulations at 42 CFR Part 2 (collectively known as "Part 2") protect the unauthorized disclosures of patients' substance use

disorder (“SUD”) information, which minimizes discrimination and negative consequences against people seeking and completing drug and/or alcohol treatment.

SAMHSA updated Part 2’s provisions in [2017](#) and [2018](#) made it easier to share SUD information in electronic health networks and among patients’ providers in modern health care delivery systems, *while maintaining patient confidentiality protections*.

The bill in question (S. 1012) has the same dangerous provisions that were pending in a previous Congressional session (in H.R. 6082). Specifically, both use a *weaker* confidentiality law (the Health Insurance Portability and Accountability Act (“HIPAA”)) and permit the release and re-disclosures of SUD medical record information for “treatment, payment, and health care operations” purposes – *without* the patient’s consent.

How else would S. 1012 Harm Patients?

- The bill’s proposed anti-discrimination provisions will not be enough to protect discrimination against and harms caused to people who are using illegal substances. These provisions are based on current civil rights laws (e.g., the Americans with Disabilities Act and the Federal Housing Act) that do not protect people using illegal substances from discrimination.
- S. 1012 restricts patients’ privacy options. Patients in substance use disorder treatment should keep the power to decide when and to whom their records are disclosed, given the continued prevalence of discrimination in our society.
- Many individuals needing substance use disorder treatment will likely not go or stay in treatment – if they know their private health information can be shared with others without their consent.

More information on Patient Confidentiality Protections:

- *Campaign to Protect Patient Privacy Rights*: <https://lac.org/wp-content/uploads/2018/08/CPPart2-Principles.pdf>
- *What is 42 CFR Part 2?* <https://lac.org/wp-content/uploads/2017/09/What-is-Part-2.pdf>
- *42 CFR Part 2 is Not the Problem*: <https://lac.org/wp-content/uploads/2017/11/Part-2-is-not-the-Problem.pdf>
- *Privacy Rights of Patients Treated for Overdose in Emergency Departments*: <https://lac.org/wp-content/uploads/2018/11/Privacy-Rights-of-Patients-Treated-for-Overdose-APF-Memo.pdf>.
- *Link to usable letter to Congress by H. Westley Clark, M.D., J.D., Dean’s Executive Professor, Public Health Program, Santa Clara University (former director of the SAMHSA Center for Substance Abuse Treatment)*: <http://cdn.atforum.com/wp-content/uploads/Letter-to-Congress-Final-fillable.pdf>