

STAFF MEASURE SUMMARY

House Committee On Health Care

**Fiscal:** No Fiscal Impact  
**Revenue:** No Revenue Impact

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**Action Date:** 05/11/15

**Action:** Be Adopted.

**Meeting Dates:** 04/27, 05/11

**Vote:**

Yeas: 8 - Buehler, Clem, Greenlick, Hayden, Kennemer, Lively, Nosse, Weidner

Exc: 1 - Keny-Guyer

**Prepared By:** Sandy Thiele-Cirka, Committee Administrator

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**WHAT THE MEASURE DOES:**

Urges Congress to pass legislation to better align 42 C.F.R. Part 2 with the Health Insurance Portability and Accountability Act of 1996 by allowing health care providers to share patient's treatment information while maintaining protections against disclosure and discrimination. Declares legislation would allow states to maintain strong confidentiality protections, deliver coordinated care, and administer electronic health records.

**ISSUES DISCUSSED:**

- Information sharing identified as barrier to delivery of services for substance abuse patients
- Substance abuse population has been stigmatized as medical failure rather than medical illness
- 42 C.F.R. Part 2 limits utility of electronic health records and performance metrics
- Inability to provide coordinated care, whole health and adequate treatment under federal code

**EFFECT OF COMMITTEE AMENDMENT:**

No amendment.

**BACKGROUND:**

Federal regulation, Title 42 Part 2, concerns confidentiality of alcohol and drug abuse patient records. It prohibits sharing of information among health care providers of persons undergoing treatment for substance abuse. The intent of the privacy protections is to prevent discrimination that is experienced by this population in housing and work. Collaboration and communication within the health care system reportedly helps with prevention, treatment and recovery, and that applying the Health Insurance Portability and Accountability Act of 1996 would protect individually identifiable health information held by covered entities and their businesses, while allowing disclosure of health information needed for patient care and other purposes.