

March 3, 2020

The Honorable Joe Manchin
U.S. Senate
306 Hart Senate Office Building
Washington D.C. 20510

The Honorable Shelley Moore Capito
U.S. Senate
172 Russell Senate Office Building
Washington, DC 20510

Dear Senators Manchin and Capito:

As hospitals and health systems on the front lines of addressing the opioid epidemic, we write in strong support of the Protecting Jessica Grubb's Legacy Act. This legislation is essential to remove one of the main barriers to coordinating care and ensuring better outcomes for those struggling with substance use disorders while protecting patients' privacy.

Our organizations continue to prioritize improving pain management efforts, and targeting care to reduce addiction, overuse and misuse of opioids. Incredibly, one of the main impediments to these efforts is a more than 40-year-old law that restricts providers' ability to identify patients with substance use disorders. This is a 1970s rule governing the confidentiality of drug and alcohol treatment and prevention records (42.C.F.R. Part 2 (Part 2)), which predates HIPAA and its robust patient confidentiality protections. Part 2 prevents confidential sharing of patients' records on substance use between providers and disclosure of these records by CMS to providers without complex and multiple patient consents.

This poses a serious safety threat to patients with substance use disorders due to risks from drug contraindications and co-existing medical problems. It also means patients may not receive care coordination and management. Access to data drives risk modeling, and can help our clinicians identify patients who may benefit from targeted interventions, implement effective patient engagement initiatives, design and evaluate quality improvement initiatives, examine information to eliminate gaps in clinical care and curb costs. The removal of data related to substance use leaves our providers "flying blind" when it comes to being fully informed about their patients' history and unable to effectively treat and coordinate their care. Providers cannot safely prescribe medication-assisted treatments (MAT) like buprenorphine, for instance, if they can't see the full medical record.

The Protecting Jessica Grubb's Legacy Act removes this care barrier by aligning Part 2 with the Health Insurance Portability and Accountability Act (HIPAA), allowing the legitimate sharing of health information, for specific treatment, payment, and healthcare operations purposes. The revised bill requires affirmative, written consent from each patient to opt-in before their information may be shared. The updated legislation also expands existing patient protections to prevent discriminatory behavior towards patients suffering from substance use.

The Protecting Jessica Grubb's Legacy Act is a carefully crafted, bipartisan, balanced approach that allows patients to control the sharing of their substance use information, while helping to ensure doctors, nurses and others along the care pathway can see the full medical record to safely treat patients suffering from addiction. We urge Congress to swiftly pass this legislation in order to improve outcomes and remove this information barrier to responsible care.

Sincerely,

Advent Health

Adventist Health

Advocate Aurora

AnMed Health

Atrium Health

Avera Health

Baptist Health (KY)

Billings Clinic

Bon Secours Mercy Health

Capstone Health Alliance

Cone Health

Einstein Healthcare Network

Fairview Health Services

First Health

Geisinger Health System

Hackensack Meridian Health

Henry Ford Health System

Lifebridge Health

Mosaic Life Care

Summa Health

Trinity Health

UPMC