Health Care Alert: SAMHSA to Host Upcoming Public Listening Session on Substance Abuse Confidentiality Regulations

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On Wednesday, June 11, 2014, the Substance Abuse and Mental Health Services Administration (SAMHSA) will hold a public listening session to solicit information regarding the Confidentiality of Alcohol and Drug Abuse Patient Records Regulations, 42 C.F.R. Part 2. Under these regulations, a federally assisted substance abuse program generally may only release identifiable patient information related to substance abuse treatment services with the individual's express consent.

It has been more than 25 years since the confidentiality regulations have been updated. During this time, significant changes have occurred within the U.S. health care system that were not envisioned by these regulations. Notable changes include new models of integrated care built on a foundation of information sharing to support coordination of patient care, the development of an electronic infrastructure for managing and exchanging patient data, the development of prescription drug monitoring programs, and a new focus on performance measurement within the health care system. When the regulations were written, substance abuse treatment was primarily conducted by specialty treatment providers, and as a result, the impact on coordination of care was not raised as a core issue.

In today's environment, some of the current consent requirements make it difficult for new health care organizations including health information exchanges (HIEs), Accountable Care Organizations (ACOs), and other integrated systems to share substance abuse treatment information. SAMHSA is now responding to concerns raised by a number of organizations that are excluding substance abuse treatament data due to the difficulty and expense of implementing the functionality and workflow changes necessary to comply with current regulations. These challenges often prevent full participation in integrated care efforts, even if patients are willing to provide consent. SAMHSA has emphasized that it strives to facilitate information exchange, while respecting the legitimate privacy concerns of patients.

In consideration of these challenges, SAMHSA seeks to obtain direct input from stakeholders on updating the regulations. The scheduled listening session offers an opportunity for providers and other interested stakeholders to share input on potential changes to the regulations. This session is open to the public and the entire day's proceedings will be webcast, recorded, and made publicly available. Interested parties may participate in person (in Rockville, MD) or via webcast. Capacity is limited and registration is required. Registration will be open until SAMHSA meets maximum capacity. The agenda, and links for more information and registration, are set forth below.

AGENDA

Welcome and Introduction

9:30 a.m. – 9:45 a.m.

Applicability of 42 C.F.R. Part 2

9:45 a.m. – 10:45 a.m.

Consent Requirements

10:45 a.m. – 11:45 a.m.

Redisclosure and Medical Emergency Provisions

11:45 a.m. – 12:45 p.m.

Lunch Break

12:45 p.m. – 1:15 p.m.

Quality Service Organization (QSO) Provisions

1:15 p.m. – 2:00 p.m.

Research

2:00 p.m. – 2:45 p.m.

Electronic Prescribing and Prescription Drug Monitoring Program (PDMPs)

2:45 p.m. – 3:30 p.m.

Open Comment Period

3:30 p.m. – 4:30 p.m.

Click here to register.

For more information, please visit samhsa.gov/healthprivacy.