

LEGAL ACTION CENTER TEMPLATE FOR SAMHSA COMMENTS

VIA EMAIL

June 23, 2014

Frances Patterson, PhD, MAC, BCPC, CCJAS, QSAP, QCS
Footprints Consulting Services, LLC
4053 Farmingham. Woods Dr.
Hermitage, TN 37076

U.S. Substance Abuse and Mental Health Services Administration
1 Choke Cherry Road
Room 5-1011
Rockville, MD 20857

RE: Confidentiality of Alcohol & Drug Abuse Patient Records Regulations, 42 C.F.R. Part 2. 79 Fed. Reg. 26929; Docket No. 2014-10913.

To Whom It May Concern:

I am a licensed substance abuse counselor in the state of Tennessee. I have had a private consulting service since 2008 and have been in the substance abuse field for 25 years. I have worked in VA and TN in different venues, including being the director of Behavioral Health Services at our local public health department for 10 years.

While I support updating the mechanics of the federal alcohol and drug confidentiality regulations to facilitate more effective integration of care and needed communication in the electronic age, **42 C.F.R. Part 2's core privacy protections MUST be maintained.**

Over the years, I have had many situations where the privacy and safety of clients would have been violated had it not been for the protection of 42 C.F.R. Part 2. For instance, while at the health department, on many occasions the medical records division would receive a request for the medical records of a person who had sought services at the health department through services other than behavioral health (BH). We also had records for the same person in our BH division. Medical records personnel would demand I surrender BH files without the proper

release of information for substance abuse patient records. I was able to show them the federal regulations protecting those records.

Additionally, I have had many occasions when lawyers have wanted client records, without a release of information, from programs where I have worked. In many instances it would not have been in the best interest of the client for them to have the records. They have threatened me with legal action if I refused to turn over records and I have been able to quote the law protecting patient records. They then understood the seriousness of what they were requesting.

I have worked with the criminal justice clients throughout my career and without the federal law protecting them, many of those clients would suffer at the hands of ill intentioned persons.

These are just three examples of how I believe clients have been best served by having the protection of 42 C.F.R. Part 2,

With regard to the modifications to 42 C.F.R. Part 2 proposed in SAMHSA's May 12, 2014 Notice of Public Listening Session (79 Fed. Reg. 26929), I support the following principles:

- Addiction treatment should be integrated with mental and physical health care, and communication among health care providers should be encouraged. I support maximizing inclusion of substance use disorder (SUD) records in electronic health record (EHR) systems and health information exchanges (HIEs) while maintaining 42 C.F.R. Part 2's core privacy protections.
- 42 C.F.R. Part 2's heightened privacy protections are as critical today as they were when they were enacted more than 40 years ago, and a move toward HIPAA's looser privacy standards would not sufficiently protect people seeking and receiving substance use disorder treatment. If patient records can be easily accessed in order to criminally investigate or prosecute a patient, or deny them insurance or a job, or be used against them in a divorce or child custody proceeding, many patients will be afraid to enter treatment in the first place.
- LAC continues to believe that patients in alcohol and drug programs should retain the power to decide when and to whom their records are disclosed, even for treatment and payment purposes, given the continued prevalence of discrimination in our society. This includes disclosures to the general health care system, HIEs, health homes, ACOs, and CCOs. The best way for patients to retain that power is by requiring patient consent for most disclosures, together with a strong prohibition on redisclosure.

- It is both necessary and technologically possible to integrate addiction and other health care and effectively exchange addiction treatment data while maintaining the core protections of 42 C.F.R. Part 2. I urge the continued development of technical solutions for consent management.
- Since HIPAA requires compliance with state and federal laws that mandate greater privacy protections, electronic health record systems (EHRs) must be designed so as to comply with the many state statutes that require heightened protections for information related to mental health, HIV/AIDS, reproductive health, domestic violence and other types of sensitive health information, as well as with 42 C.F.R. Part 2. It is important to keep in mind, therefore, that EHRs would be required to accommodate enhanced protections for the medical records of some illnesses in order to be HIPAA-compliant even if 42 C.F.R. Part 2 did not exist.

I also support the comments submitted by the Legal Action Center.

Thank you for your consideration.

Sincerely,

Frances A. Patterson

Frances Patterson, PhD, MAC

Owner, Footprints Consulting Services, LLC

Pamela Hyde, Administrator
Substance Abuse of Mental Health Service
Administration
Room 5-1011

Dear Administrator Hyde,

I am writing to let you know how important it is to me and my family that the privacy protections for alcohol and drug abuse patient records be maintained. I am a person in recovery from addiction and I also have a criminal record. While I take the responsibility for the actions I took that resulted in my addiction treatment and criminal record, I do not want my addiction treatment record to become a lifelong burden.

I understand some have argued that good medical care for me will be compromised if all medical professionals can not see my addiction treatment records.

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RE: Privacy Regulations

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Sincerely,

RE: Privacy Regulations

Dear Administrator Hyde.

Please see it fit to conserve the privacy rights of such people in addiction. WE all struggle, some more than most. It is not common knowledge that we of Alcoholics Anonymous have a disease, which I had to learn the hard way. We will prevail if you help us! I promise!

Sincerely,

RE: Privacy Regulations

Dear Administrator Hyde,

I am writing to ask that the privacy protections for alcohol and drug abuse patient records be maintained. I do not wish this record to become a lifelong burden.

Administrator Hyde, I hope you will do all you can to protect my privacy.

Sincerely,

Dear Administrator Hyde,

Your interest concerning helping people like me to maintain a certain amount of privacy about my treatment Records, mainly my alcohol and drug usage is being well received by me and my family today.

Yes, I support what you are doing and thank you as well.

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I am writing to let you know how important it is to me and my family that the privacy protections for alcohol and drug abuse patient act be maintained. I am a person in recovery from addiction and I also have a criminal record. While I take the responsibility for the actions I took that resulted in my addiction treatment and criminal record, I do not want my addiction treatment record to become a lifelong burden.

I understand some have argued that good medical care for me will be compromised if all medical professionals cannot see my addiction treatment records.

Sincerely,

Dear Administrator Hyde,

I will support you 100% concerning having certain regulations for privacy on certain treatment records. Mainly when it comes to people like me with alcohol and drug abuse records.

I don't want certain people to use that information against me.

Sincerely,

Dear Administrator Hyde,

I am writing to you today, because I believe in your quest to maintain privacy for keeping my treatment records of alcohol and drugs abuse out of the hands of those who could and would use that information to hurt me or others like me, such as losing our children, jobs or housing.

You have my full support.

Sincerely,

Dear Sir,

I am thrilled to be able to support this petition concerning privacy regulation.

You have my permission to go to the limit if that is what it will take to maintain my desire to not let certain people read or make judgements on me based on my alcohol or drug abuse treatment record.

Sincerely,

Dear Sir,

I am showing my support today by writing to you concerning the protection of my treatment record about my using alcohol and drugs.

I agree with the information I have read that left us protected. Certain people may or would use this information to take away my children, the loss of my job and the loss of housing. I do not want this to happen.

You have my support Mr. Hyde to address this issue on my behalf.

Sincerely,

Dear Administrator Hyde

This letter is to ask for your support in making sure people like will not be subject to losing our children, job or housing as a result from reviewing our alcohol and drug abuse records.

The odds are already stacked against us in other areas of life because of our usage. We do not need to continue to let this issue be a lifelong burden.

Thank you sir for reading this letter.

Sincerely,

Dear Administrator Hyde,

Today I am writing on behalf of me and my family concerning the privacy protections for alcohol and drug abuse patient records being maintained in an orderly way that will not require those people who wish to use certain information about those records to make certain judgements not in favor of me and my family's best interest. Such decisions could cause me (and people like me) to lose their children, job or housing.

I am asking you Mr. Hyde to do all that is in your power to not let this happen.

Sincerely,

Dear Administrator Hyde,

I am writing to let you know how important it is to me and my family that the privacy protections for alcohol and drug abuse patient act be maintained. I am a person in recovery from addiction and I also have a criminal record. While I take the responsibility for the actions I took that resulted in my addiction treatment and criminal record, I do not want my addiction treatment record to become a lifelong burden.

I understand some have argued that good medical care for me will be compromised if all medical professionals cannot see my addiction treatment records. I do not want my medical records to be used against me just because I did the right thing and sought to get help for my addiction.

Administrator Hyde, I hope you will do all you can to protect the privacy of my addiction records.

Sincerely,

Dear Administrator Hyde,

Privacy Regulations is very important to me, since I am one of those people with an alcohol and drug abuse problems.

You have my support in helping to protect my interest.

Thank you so much.

Dear Administrator Hyde,

I am writing to let you know how important it is to me and my family that the privacy protections for alcohol and drug abuse patient act be maintained. I am a person in recovery from addiction and I also have a criminal record. While I take the responsibility for the actions I took that resulted in my addiction treatment and criminal record, I do not want my addiction treatment record to become a lifelong burden.

I understand some have argued that good medical care for me will be compromised if all medical professionals cannot see my addiction treatment records. I do not want my medical records to be used against me just because I did the right thing and sought to get help for my addiction.

Administrator Hyde, I hope you will do all you can to protect the privacy of my addiction records.

Sincerely,

Re: Privacy Regulations

Dear Admin Hyde,

Please consider helping protecting those that I serve in recovery. I aim to have a family and great job one day. Please help my dream for starting a new life possible.

Thank you for your consideration.

Humbly yours,

To Whom It May Concern, (Mr. Hyde)

I don't think a person's personal history concerning alcohol and drug abuse records should be explored neither their cranial record.

I am taking full responsibility for my action, paying my dues to society for my misfortunes. I don't want my record of addictions or criminal past to become a lifelong burden.

I would prefer these matters be kept in private unless it's a very serious or professional reason that these matters may surface. Meaning if there is some prejudice or bias reason for such.

I am hoping and praying that you7 understand my situation.

Dear Whomever, (Mr. Hyde)

I am writing to let you know that my personal concerns about my alcohol and drug abuse patient records stay a private matter, also any criminal history.

I wouldn't want anything to hold up on any of my infractions that occurred as a result of my drug abuse, alcoholic or criminal record.

We are already being denied by certain agencies because of the truth telling; being real and being denied.

I would like it to be me call if such information needs to be known.

Dear Administrator Hyde,

I am writing to let you know how important it is to me and my family that the privacy protections for alcohol and drug abuse patient act be maintained. I am a person in recovery from addiction and I also have a criminal record. While I take the responsibility for the actions I took that resulted in my addiction treatment and criminal record, I do not want my addiction treatment record to become a lifelong burden.

I understand some have argued that good medical care for me will be compromised if all medical professionals cannot see my addiction treatment records. I do not want my medical records to be used against me just because I did the right thing and sought to get help for my addiction.

Administrator Hyde, I hope you will do all you can to protect the privacy of my addiction records.

Sincerely,

Dear Administrator Hyde,

I am writing to let you know how important it is to me and my family that this privacy protections for alcohol and drug abuse patient records be maintained. I'm in long term recovery from addiction and I also have a criminal record. I do take responsibility for the actions I took that resulted in my addiction treatment and criminal record, I do not want my addiction treatment record to haunt me the rest of my life.

The treat to me and people like me is too great to risk doing away with these essential privacy protections. People like me already have enough of the odds stacked against us.

Administrator Hyde, I hope you will do all you can to protect the privacy of my addiction records.

Sincerely,

Dear Administrator Hyde,

I am writing to let you know how important it is to me and my family that the privacy protections for alcohol and drug abuse patient act be maintained. I am a person in recovery from addiction and I also have a criminal record. While I take the responsibility for the actions I took that resulted in my addiction treatment and criminal record, I do not want my addiction treatment record to become a lifelong burden.

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Administrator Hyde, I hope you will do all you can to protect the privacy of my addition records.

Thanks for your attention to this matter.

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I am writing to let you know how important it is to me and my family that the privacy protections for alcohol and drug abuse patient records be maintained. I am a person in recovery from addiction and I also have a criminal record. I do not want my addiction treatment record to become a life long burden.

I understand some have argued that good medical care for me will be compromised if all medical professionals cannot see my addiction treatment records. I think in this day and age with all of the technological advances that software companies can figure out how to keep that information available for those who must see it and unavailable to those who don't need to see it.

I threat to me and people like me is too great to risk doing away with these essential privacy protections. People like me already have enough of the odds stacked against us. I do not want to risk losing my kids, or face the loss of a job or my housing all due to someone finding out that I had been treated for addiction. I do not want my family to go without health or life insurance or worse to risk criminal prosecution, arrest or incarceration. I do not want my medical records to be used against me just because I did the right thing and sought to get the help for my addiction.

Administrator Hyde, I hope you will do all you can to protect the privacy act of my addiction records.

Dear Administrator Hyde,

I'm writing to you to let you know that my privacy protections for my Alcohol & Drug Records be maintained. I would not like my records to be held against me in my future life.

Administrator Hyde, I hope we can resolve this issue.

Sincerely,

Dear Administrator Hyde,

I am writing to let you know how important to my family to my privacy for my alcohol and drug records.

Administrator Hyde, please protect my privacy.

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Dear Pamela Hyde,

I am a person in recovery from addiction and I also have a criminal record. I am writing to let you know how important it is to me and my family that the privacy protections for alcohol and drug abuse patient records be maintained. I think in this day and age with all of the technological advances that software companies can figure out how to keep that information available for those who must see it and unavailable to those who don't need to see it. People like me already have enough of the odds stacked against us. I do not want my family to go without health or life insurance or worse to risk criminal prosecution, arrest or incarceration.

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Sincerely,

Dear Administrator Hyde,

I am in recovery like many people of all races, and from all kinds of backgrounds. It is of great concern that the thought of the privacy act is even a topic. One reason is look at how many people trying to get help, that may have the chance to save there life's, there family, and be productive citizens. Contribute to life, community, be a asset. Beside anybody that needs to see that information in this day and time can access it. The threat, and damage this could cause to me and people like me is to great to risk. Just for one second think about if anybody could find out anything you done in life, or people you know. How do people separate what they learn from the person you are now, or are on the job. Look at how many opportunities you may have never had and how many you will be denied in the future. It's not logical to punish or discourage someone for trying to do the right thing. Some times the answer to problems is just using common sense.

I hope and trust you will do all you can to protect my privacy right about my addiction.