Resolution: 224  
(I-17)

Introduced by:  
American Society of Addiction Medicine  
American Psychiatric Association  
American Academy of Psychiatry and the Law  
American Association for Geriatric Psychiatry  
GLMA

Subject: Modernizing Privacy Regulations for Addiction Treatment Records

Referred to:  
Reference Committee B  
(Ralph J. Nobo, Jr., MD, Chair)

Whereas, More than 100,000 people in the United States die annually of alcohol or drug-related causes, making it the fourth leading cause of preventable death\(^1\); and

Whereas, Other mental and physical illnesses commonly co-occur with alcohol and drug use\(^2\); and

Whereas, The federal statutes authorizing the current regulations governing the confidentiality of drug and alcohol treatment and prevention records, 42 CFR Part 2, were written more than 40 years ago; and

Whereas, Major changes in the organization and financing of substance use disorder treatment have occurred since then, including integrated health systems and electronic medical records; and

Whereas, The Health Insurance Portability and Accountability Act (HIPAA), the HIPAA Privacy Rule, the Affordable Care Act (ACA), and the Health Information Technology for Economic and Clinical Health (HITECH) Act have created consistent privacy and security standards for the exchange of health information for treatment, payment, and health care operations, and established protections against disclosure of health information without patient consent; and

Whereas, 42 CFR Part 2 now creates obstacles to safe, quality care for persons with substance use disorder; and

Whereas, Persons with substance use disorder continue to face stigma and discrimination in civil society, and unauthorized disclosure of their medical records may result in adverse employment, housing, public benefit, or child custody actions; therefore be it


RESOLVED, That our American Medical Association seek regulatory and legislative changes that better balance patients’ privacy protections against the need for health professionals to be able to offer appropriate medical services to patients with substance use disorders (Directive to Take Action); and be it further

RESOLVED, That our AMA seek regulatory and legislative changes that enable physicians to fully collaborate with all clinicians involved in providing health care services to patients with substance use disorders (Directive to Take Action); and be it further

RESOLVED, That our AMA support continued protections against the unauthorized disclosure of substance use disorder treatment records outside the healthcare system. (New HOD Policy)

Fiscal Note: Not yet determined

Received: 10/12/17