

# Congress of the United States

Washington, DC 20515

September 8, 2022

The Honorable Xavier Becerra  
Secretary  
Department of Health and Human Services  
(HHS)  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

Dear Secretary Becerra:

We are writing to you regarding the long overdue release of the 42 CFR Part 2 rule as required by the Coronavirus Aid, Relief, and Economic Security (CARES) Act (PL 116-136) during the 116th Congress. As required by section 3221 of the CARES Act, the Department of Health and Human Services (HHS) was required to issue regulations 12 months after enactment of the legislation. It has been more than two years and we continue to wait on a proposed rule. During this time, the COVID-19 pandemic has exacerbated the substance use disorder crisis in the United States. More than 100,000 people lost their lives to overdose in the 12 months ending September 2021 reversing progress that was made as recently as 2019; it is the highest single-year death toll -- specifically attributable to drug overdoses -- in US history.

The enacted provisions in the CARES Act better align federal privacy standards applicable to substance use disorder (SUD) patient records with other medical records – with the objective of facilitating the sharing of critical medical information for the purposes of treatment, payment, and health care operations (TPO) as those terms are defined in the Health Insurance Portability and Accountability Act (HIPAA), while eliminating burdensome re-disclosure requirements.

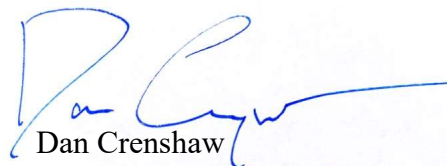
The COVID pandemic has taken a tremendous toll on our nation's mental health. Even worse, we have seen an increase in overdose deaths, especially from fentanyl and fentanyl-related substances. As our nation battles to reduce the surge of overdose deaths, we urge you to release the 42 CFR Part 2 proposed rule that will help modernize substance use disorder privacy regulations, allow our health care providers to better coordinate care for patients, and reduce the ever-increasing number of opioid use disorder (OUD) deaths.

We look forward to working with you closely as HHS issues a new 42 CFR Part 2 rule that fully complies with the CARES Act. Thank you for your attention to this important matter.

Sincerely,



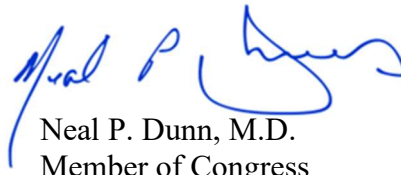
Markwayne Mullin  
Member of Congress



Dan Crenshaw  
Member of Congress



Gus Bilirakis  
Member of Congress



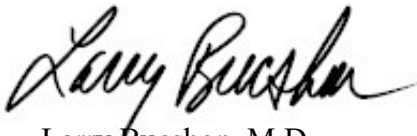
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