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**Statement from the National Association of State Alcohol and Drug Abuse Directors
Health Information Technology, Electronic Health Records, and
Confidentiality/Privacy Issues**

NASADAD supports the use of cutting edge, web-based technology such as electronic health records (EHRs) to help improve the outcomes and lives of individuals/families with, or at risk of developing, substance use disorders.

NASADAD also supports an individual's right to privacy and confidentiality - and specifically supports and recognizes 42 CFR Part 2 as the current "law of the land." This federal regulation, which has served as a cornerstone of our publicly funded treatment service system since 1975, recognizes that people may be afraid to enter into treatment without privacy guarantees due to intense and entrenched discrimination

As noted by the Legal Action Center (LAC), current privacy protections contained in 42 CFR Part 2 help prevent people from losing their job; prevent people from being evicted from public housing; prevent people from losing custody of their children and help protect people from other forms of discrimination.

The rapid pace of health reform, coupled with State and Federal initiatives already well underway to implement health IT systems, present exciting opportunities for the prevention, treatment and recovery field as efforts are made to increase communication and collaboration with the rest of our health system. The addiction field should be a prominent partner in the larger effort to develop, implement and oversee EHRs.

As these initiatives move forward, NASADAD calls on action that would convene key stakeholders to hold an immediate and informed dialogue regarding any implementation issues specific to substance abuse, health IT/EHRs, 42 CFR Part 2 itself and its intent. Key stakeholders should include federal agencies, State agencies, providers, experts in cutting edge technology/information transfer, advocates, people in recovery and others.

This deliberative dialogue and legal analysis should include an environmental scan of current policies and practices pertaining to EHRs - including current practices that implement technological solutions that improve services yet remain compliant with 42 CFR Part 2 and its intent.

Should the deliberative dialogue suggest a clear need to adjust current policies governing privacy and confidentiality, including 42 CFR Part 2, changes should be considered and carefully implemented. During this process, NASADAD believes any changes should:

- Benefit from the deliberations and information generated by the stakeholders listed above,
- Enhance communication of vital health information necessary to improve the quality of care for people with substance use disorders, and
- Maintain the intent of 42 CFR Part 2, which protects personal privacy and confidentiality, and prevents discrimination of people with alcohol and other drug histories.

1/28/10