



September 24, 2018

The Honorable Mitch McConnell
Majority Leader
United States Senate
317 Russell Senate Office Building
Washington, DC 20510

The Honorable Charles Schumer
Minority Leader
United States Senate
322 Hart Senate Office Building
Washington, DC 20510

The Honorable Paul Ryan
Speaker of the House
United States House of Representatives
H-232, United States Capitol
Washington, DC 20515

The Honorable Nancy Pelosi
Minority Leader
United States House of Representatives
H-204, United States Capitol
Washington, DC 20515

Dear Leader McConnell, Leader Schumer, Speaker Ryan and Leader Pelosi:

The National Association of Counties (NACo) and the 3,069 counties we represent commend you for your leadership in combatting the nation's opioid epidemic. Counties are on the frontlines of responding to this crisis through our local health systems, human services agencies and law enforcement departments. The bipartisan *SUPPORT for Patients and Communities Act* (H.R. 6) and the *Opioid Crisis Response Act* will strengthen local governments' ability to address the epidemic and help pave a path toward recovery in communities across the country.

As Congress finalizes negotiations around these bills, NACo respectfully urges the inclusion of the following measures, which would maximize counties' capacity to provide effective treatment services for opioid use disorders. The provisions outlined below take important steps toward this goal and reflect counties' top priorities for leveraging federal, state and local partnerships to address the opioid epidemic.

Include the *Overdose Prevention and Patient Safety Act* (H.R. 6082), which would align 42 CFR, Part 2 regulations with HIPAA rules to improve care coordination. Counties support a wide range of addiction treatment facilities and infrastructure in our communities, including mental and behavioral health authorities, as well as many hospitals and emergency rooms. However, 42 CFR, Part 2 regulations limit the disclosure of patients' substance use disorder records between certain treatment programs, creating access barriers to patients' medical histories. This can impede the ability of health care providers to assess a patient's condition and provide integrated care. The *Overdose Prevention and Patient Safety Act* (H.R. 6082) would address this challenge by aligning 42 CFR, Part 2 regulations with HIPAA privacy standards and enabling the appropriate disclosure of a patient's full medical record. This measure would help ensure health care providers can access the information necessary to provide high-quality treatment to patients with complex health needs.

Include the *IMD Care Act* (H.R. 5797), which would ease Medicaid's Institutions for Mental Diseases (IMD) exclusion to expand addiction treatment capacity. Medicaid enhances counties' ability to provide key addiction treatment services via 1,943 local health departments, 907 county-based hospitals and 750 behavioral health

authorities across the country. Unfortunately, Medicaid's Institutions for Mental Diseases (IMD) exclusion prevents states from using Medicaid dollars for services provided in IMD facilities with more than 16 beds. The House's *IMD CARE Act* (H.R. 5797) – which moved forward as part of H.R. 6 – would take an important step toward increasing treatment capacity by partially lifting the IMD exclusion for five years to allow Medicaid payments for services provided to patients with opioid and cocaine use disorders, allowing IMD facilities to treat more patients.

Include reauthorizations of key federal programs that help counties address the opioid epidemic in local jurisdictions. Counties plan and operate a full continuum of federal programs and community-based services aimed at addressing substance use disorders. The Senate's *Opioid Crisis Response Act* would reauthorize several key federal programs that support counties in this endeavor, including the Drug-Free Communities (DFC) program, the High-Intensity Drug Trafficking Area (HIDTA) program and specialty drug courts. Like the House's *CRISIS Act* (H.R. 5925), which passed separately from H.R. 6, the Senate bill would additionally renew the White House's Office of National Drug Control Policy (ONDCP). NACo urges Congress to reauthorize each of the above-listed programs as part of a final legislative package, which would ensure funding and administrative continuity for these programs and help local agencies chart our response to this crisis.

In sum, we thank you for your leadership and efforts to pass landmark opioid legislation. As counties look to engage the most effective treatment resources available, we urge the inclusion of measures to improve care coordination across health care providers, expand treatment resources and reauthorize key federal programs that support local governments in this crisis.

If you have any questions, please contact NACo Associate Legislative Director Eryn Hurley (ehurley@naco.org) or NACo Associate Legislative Director Lindsey Holman (lholman@naco.org).

Sincerely,



Matthew D. Chase
Executive Director
National Association of Counties

CC: Members of the U.S. House Energy and Commerce Committee

CC: Members of the U.S. Senate Health, Education, Labor and Pensions Committee