

## **Wolf Administration to Propose Changes to Modernize Confidentiality of Substance Use Records in Pennsylvania**

In 2020, the Department of Drug and Alcohol Programs (DDAP) invited stakeholders to participate in a survey to give feedback and provide input on the commonwealth's substance use disorder (SUD) confidentiality policies. Over 1,200 stakeholders responded, and 70 participants were interviewed. DDAP received input from a wide range of stakeholder groups, including the drug and alcohol provider community, health care providers, the judicial system, payors, and over 150 individuals with lived experience with SUD.

Most stakeholders support updating Pennsylvania's SUD confidentiality policies and believe that changes will lead to positive outcomes for people living with SUD.

- 64% agree that Pennsylvania does not need SUD confidentiality policies that are more restrictive than federal confidentiality regulations;
- 81% agree that SUD confidentiality policies can be improved; and
- 67% agree the current policies are too restrictive about what information can be shared with certain entities, even with a person's consent to share their record.

In August 2021, DDAP released a summary report describing the full findings of this assessment, which can be found [here](#).

DDAP understands that SUD stigma and discrimination remain a concern. DDAP is committed to support these changes by collaborating with the General Assembly to establish a first-ever ombudsman position to advocate for people living with SUD and respond to grievances, as well as continuing the department's stigma reduction efforts.

This fall, the General Assembly may consider legislation to amend the act of April 14, 1972 (P.L.221, No.63), known as the Pennsylvania Drug and Alcohol Abuse Control Act, further providing for definitions and for confidentiality of records related to (SUD). Based on the stakeholder feedback in the survey, the department is proposing amendment language that would do the following:

- align Pennsylvania's SUD confidentiality policy with federal rules in 42 CFR Part 2,
- give individuals control over their records and allow them to give consent to share information, and
- help drug and alcohol providers better integrate and coordinate care.

As a vital stakeholder in the drug and alcohol community, DDAP wanted to make you aware of this potential upcoming legislative action and thank survey participants for giving input on this important issue.