



JAMES L. MADARA, MD
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September 13, 2019

The Honorable Alex M. Azar II
Secretary
U.S. Department of Health and Human Services
Hubert H. Humphrey Building, Room 509F
200 Independence Avenue, SW
Washington, DC 20201

The Honorable Elinore F. McCance-Katz
Assistant Secretary for Mental Health and
Substance Use
Substance Abuse and Mental Health Services
Administration
5600 Fishers Lane
Rockville, MD 20857

Re: Confidentiality of Substance Use Disorder Patient Records (RIN: 0930-AA30)

Dear Secretary Azar and Assistant Secretary McCance-Katz:

On behalf of the physician and medical student members of the American Medical Association (AMA), I am writing to urge you to extend the 30-day comment deadline for the Confidentiality of Substance Use Disorder Patient Records proposed rule (Proposed Rule). This Proposed Rule is categorized as a correction to the Part 2 Final Rule issued in January 2017.

We have heard from numerous physicians and patient groups about the potential negative consequences of giving law enforcement access to patient records to investigate criminal activity. This Proposed Rule, which would remove the phrase “allegedly committed by the patient” from the Part 2 Final Rule, would open the doors even further by giving law enforcement the ability to use patient records to investigate criminal activity that does not involve the patient. While this Proposed Rule is a technical change, it is one that has the ability to significantly impact how law enforcement interacts with physicians and their patients. We have also heard that commenters were unable to access the regulations.gov website on the evening of September 6, further shortening an already short comment window. For these reasons, we urge the Administration to extend the comment deadline to the normal 60 days required of most federal rulemaking.

We thank you for your consideration in extending the comment deadline for this Proposed Rule to 60 days. If you have any questions regarding this letter, please contact Margaret Garikes, Vice President of Federal Affairs, at margaret.garikes@ama-assn.org or 202-789-7409.

Sincerely,

James L. Madara, MD