



April 29, 2020

The Honorable Eric Hargan  
Deputy Secretary of Health & Human Services  
200 Independence Ave. SW  
Washington, D.C., 20201

The Honorable Elinore McCance-Katz  
Assistant Secretary, SAMHSA  
Department of Health & Human Services  
Washington, D.C., 20201

**RE: Request to Expedite 42 CFR Part 2 Rulemaking Pursuant to the CARES Act**

Dear Deputy Secretary Hargan and Assistant Secretary McCance-Katz:

The Alliance of Community Health Plans (ACHP) and our members appreciate the continued engagement as we work together to address the COVID-19 public health crisis and deliver high quality coordinated care to individuals struggling with mental health and substance use disorders. Representing non-profit community-based health plans, we appreciated the opportunity to discuss care coordination under 42 CFR Part 2 in December.

As you know, much has changed since that productive meeting. On March 27, President Trump signed into law the CARES Act, which included welcome changes to 42 CFR Part 2. ACHP supported the legislative changes and looks forward to working with HHS to implement and educate on the new requirements.

Changes to 42 CFR Part 2 were well overdue. Therefore, ACHP urges HHS to expedite rulemaking so that health plans and providers on the front lines will have the guidance, flexibilities and direction they need to treat patients. During the COVID-19 public health crisis, it is critically important that the barriers to providing care for patients with substance use disorders are removed. The CARES Act provisions will help coordinate care for patients with substance use disorders, which are needed now more than ever before.

Prior to passage of the CARES Act, SAMHSA issued guidance suspending the prohibitions on the use and disclosure of patient information under 42 CFR Part 2 for medical emergencies. Especially at a time when the use of opioids is being considered for patients in the advanced stages of COVID-19, gaps in a patient's record about past or current substance use could prove life threatening.

During our December meeting, ACHP and our members committed to working with HHS and SAMHSA to educate physicians, clinicians and health plans about permissible exchanges of patient information under 42 CFR Part 2. ACHP's members are closely aligned or integrated with providers and health systems, which creates a unique opportunity to directly share information. We reiterate our offer to partner with you on education and outreach.



To move forward, ACHP requests a call with HHS and SAMHSA to discuss the future of 42 CFR Part 2 guidance and coordinating efforts to educating clinicians who are daily treating individuals struggling with substance use disorders.

Please contact Michael Bagel, ACHP Director of Public Policy, at [mbagel@achp.org](mailto:mbagel@achp.org) or 202-897-6121 or Matt DoBias, ACHP Associate Director of External Affairs at [mdobias@achp.org](mailto:mdobias@achp.org) or 202-524-7771 with any questions and to schedule a call.

Sincerely,

Ceci Connolly  
President and CEO, ACHP