



*****STATEMENT*****

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The CARES Act Leaves Substance Abuse Patients Vulnerable

Third Coronavirus Bill Exposes Patients to Multiple Redisclosures of Data

ST. PAUL, Minn. — [Citizens' Council for Health Freedom \(CCHF\)](#) expresses its deep concern over Congress' decision to weaken the privacy rights of Americans with sensitive substance use and abuse issues. Twila Brase, president and co-founder of CCHF provides the following statement:

"We're shocked that Congress used emergency legislation, passed with little public scrutiny, to weaken the privacy rights of patients with substance use and abuse issues. This controversial data-sharing proposal has long been rejected when debated in the light of day."

"No longer will providers need to get patient consent for every re-disclosure of this sensitive information. Once the patient consents just once to share information, their records can be redisclosed time and time again, until the patient revokes it in writing. But how many of these vulnerable, hurting patients will figure that out? Will they be faced with forms that combine consent for treatment and data-sharing, making it more difficult for patients to refuse? Will a patient's written revocation stop those who've already received disclosed data from sharing, using, and redisclosing it?"

"The longstanding protective regulation, 42 C.F.R. Part 2, the strongest patient privacy regulation in the nation, has essentially been rescinded. Unlike other Americans, whose data is regularly shared without consent under HIPAA, patients with substance use disorders enjoyed real privacy and consent rights under the Part 2 regulation. The CARES Act significantly eases the ability of providers to share highly sensitive patient data at a time when patients may find it difficult to say no or fail to understand that a single signature in the midst of a crisis could mean their data is shared with Google or myriad other business associates."

"Congress took advantage of a national emergency to weaken the gold standard of privacy that every patient, not just patients with substance use disorders, deserves. Now these patients have only one option that gives them full assurance of the protection they need. To make sure their sensitive data cannot be re-disclosed without their consent, they will have to refuse consent to any data-sharing."

CCHF maintains a patient-centered, privacy-focused, free-market perspective. CCHF has worked in its home state of Minnesota and at the national level for more than 20 years to protect health care choices, individualized

patient care, and medical and genetic privacy rights. In 2016, CCHF launched The Wedge of Health Freedom, an online directory of direct-pay practices (JointheWedge.com)

Twila Brase, RN, PHN has been named by *Modern Healthcare* as one of the “100 Most Powerful People in Health Care.” She is the host of the daily *Health Freedom Minute* radio program heard by over 5 million weekly listeners on more than 800 radio stations nationwide, and the author of the four-time award-winning book, “**[Big Brother in the Exam Room: The Dangerous Truth About Electronic Health Records.](#)**”

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