

Testimony
Senate Bill 2237– Department of Human Services
Senate Human Services Committee
Senator Judy Lee, Chairman
January 26, 2015

Madam Chairman, Members of the Senate Human Services Committee, my name is Julie Leer, I'm an attorney with the Department of Human Services (Department), and I am here today to offer amendments on Senate Bill No. 2237. The Department does not oppose making changes to NDCC section 50-31-06. The proposed language, however, may create perceived inconsistencies in the application of privacy laws protecting patient information that the Department obtains as the licensor of substance abuse treatment programs.

The language proposed in Senate Bill No. 2237 would protect "individually identifiable health information of a patient." "Individually identifiable health information" is information that is required to be protected under the Health Insurance Portability and Accountability Act of 1996 (HIPAA). In addition to HIPAA, other confidentiality laws exist to protect patient information, including substance abuse treatment information. Most notably 42 CFR Part 2 governs the confidentiality of alcohol and drug abuse patient records. The Department is concerned that if the language proposed only references language commonly identified as a HIPAA standard, a reader might understand that to suggest the other confidentiality laws are not applicable in this situation.

To recognize that patient information may be regulated by confidentiality laws in addition to HIPAA and to recognize that client treatment records are not limited to patient charts, the Department proposes to amend Senate Bill No. 2237 to allow for the confidentiality of all client records and information

the Department acquires in its role as licensor of substance abuse treatment programs. I have included an [amendment](#) for your consideration. This amendment is consistent with the sponsors' apparent intent to protect the confidentiality of client records and information, while making other information the Department obtains as the licensor of substance abuse treatment programs available for review by the public.

I would be happy to answer your questions.

Thank you.