

Report on Patient Privacy Volume 18, Number 4. April 30, 2018 To Stem Opioid Crisis, OCR Promises Rule on Sharing, Urges Entities to 'Get the Word Out'

By HCCA Staff

Allowing providers to more easily share information with family members whose loved ones become incapacitated due to opioid use is the impetus for a new proposed rule the HHS Office for Civil Rights (OCR) is drafting.

Referring to family members as “often the last best hope” for those struggling with opioid addiction, Director Roger Severino filled in some blanks about this and another proposed rule regarding notices of privacy practices (NPPs) during a recent keynote address at the HIPAA Summit in Washington, D.C. In March, *RPP* reported that these were in development (*RPP* 3/18, p. 5). Severino also gave an update on some staff changes and other OCR activities.

OCR’s efforts respond to the need for parents—“often the last best hope”—of adult children treated for substance use to learn of the child’s diagnosis and treatment when he or she “is in such dire circumstances,” Severino said. OCR, he said, is seeking to combat the “many myths surrounding the interaction of our health information privacy laws and difficult circumstances, especially related to opioids” and assist providers with sharing information while complying with HIPAA.

“Far too often, we’ve seen examples where medical providers err so far on the side of caution that the patients do not necessarily get the best treatment” if their family members who want to be involved are shut out, he said.

Opioid abuse is “not just a medical problem, it’s a societal problem, it’s a family problem. It needs to be addressed on all fronts,” said Severino. To date, OCR has been doing its “part to try to make sure that folks are aware of what doctors can say in those situations to make sure that loved ones are brought in” and now believes a proposed rule is required.

A political appointee, Severino came on board OCR last spring. He made his first public remarks as director at the 2017 summit (*RPP* 4/17, p. 1). Before delving into the meat of his March 27 address, Severino quipped that time in the administration “is really like dog years, so it’s been like seven years since I saw you last.”

Severino’s slides describe the “heightened concerns” the opioid abuse crisis and other “national health emergencies” have caused providers to experience. Concerns center on their:

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