

NCUIH Submits Comments to SAMHSA on SUD Patient Confidentiality Rules, 42 CFR Part 2

Category: Policy Blog

written by Alexandra Payan | April 20, 2022

On April 6, 2022, the National Council of Urban Indian Health (NCUIH) submitted written comments and recommendations in response to the Substance Abuse Mental Health Services Administration (SAMHSA)'s [Dear Tribal Leader letter](#) regarding the federal requirements for confidentiality of Substance Use Disorder (SUD) patient records found at 42 CFR Part 2 (Part 2). In its comments NCUIH emphasized the importance of including Urban Indian Organizations (UIOs) in discussions on rules and policies, like Part 2, which apply to both UIOs and Tribal healthcare facilities. NCUIH also highlighted that a strong Urban Confer policy and improved communications with UIOs will assist SAMHSA, HHS, NCUIH, and UIOs in collaborating to ensure the highest level of substance abuse treatment and mental health treatment for all American Indian and Alaska Natives (AI/ANs).

NCUIH's Recommendations to SAMHSA

On March 10, 2022 NCUIH attended SAMHSA's Tribal Consultation on federal requirements for confidentiality of SUD patient records found at 42 CFR Part 2. Following the Tribal Consultation, NCUIH submitted written comments to SAMHSA on behalf the 41 Urban Indian Organizations (UIOs) it represents. In its written comments, NCUIH noted that almost every UIO provides behavioral health, mental health, or SUD care to American Indians and Alaska Natives living in Urban Areas. In fact, in 2021, 6 UIOs were awarded grants through the SAMHSA-funded Tribal Behavioral Health Grant Program, which is aimed at increasing the support and delivery of culturally-tailored suicide and substance abuse prevention services to AI/AN youth to the age of 24. NCUIH also noted that because UIOs operate under contracts with the Indian Health Service, and receive other forms of federal funding, Part 2 rules on SUD patient records apply to UIOs which provide SUD counseling to patients.

Accordingly, NCUIH requested that HHS host an Urban Confer with UIOs regarding changes to Part 2. Informing UIOs of the Part 2 changes and receiving UIO feedback is especially important given the vital work UIOs do to reduce the impact of substance abuse in AI/AN communities. As providers of culturally focused health care, UIOs are well placed to address and treat SUD in AI/AN patients. The work UIOs do to combat substance abuse in urban AI/AN communities is essential, given that rural and urban AI/ANs need SUD treatment at virtually the same [rate](#) and almost seventy percent ([70%](#)) of the AI/AN population lives in urban areas.

NCUIH further recommended that SAMHSA, and HHS more broadly, establish an Urban Confer policy. Establishing an Urban Confer policy is consistent with the federal government's trust responsibility to improve the health of AI/ANs. Urban Confers are also sound public health policy as they will allow SAMHSA and HHS to gain a greater understanding of the AI/AN patient population and increase collaboration with the entire Indian Health Care system.

NCUIH is looking forward to working more closely with SAMHSA on urban AI/AN health and will continue to keep UIOs updated on SAMHSA's most recent policies and practices that impact their work and affect AI/AN communities.