

# House Bill 33 – Sponsor Talking Points

## *A Summary & Analysis HB33 Amending I.C. §39-301*

Prepared by the Division of Behavioral Health, Policy Unit 2/26/15

### History of the Act:

In 1967, three authoritative commissions, the United States Crime Commission, the District of Columbia Crime Commission and the Cooperative Commission on the Study of Alcoholism, concluded that criminal law sanctions were an ineffective, inhumane, and costly method for the prevention and control of alcoholism and public drunkenness. All three commissions recommended that a public health and rehabilitation approach be substituted for the prevailing criminal law sanctions. In response to these recommendations, the American Bar Association, together with the American Medical Association, drew up a model statute called the Uniform Alcoholism and Intoxication Treatment Act, which was subsequently adopted, in whole or in part, by twenty-two states, including Idaho.

The enactment of the AITA by the Idaho Legislature in 1975 reflected an increasing awareness that treatment, rather than criminal penalties, was the appropriate response to alcoholism. Through the AITA, the state sought to eliminate criminal sanctions and provide satisfactory alternatives to the arrest procedure, including making available facilities for treatment as well as procedures for bringing individuals into contact with treatment facilities. The AITA establishes Idaho Department of Health and Welfare (IDHW) as the state Substance Abuse Authority (SSA) and directs the Board of Health and Welfare to; establish a comprehensive and coordinated program for treatment, develop standards for approved treatment facilities, and periodically inspect approved facilities. Under the authority of the AITA, the IDHW has promulgated rules that establish standards to be met for approved treatment facilities and procedures for approval. The infrastructure for meeting the regulatory requirements of the AITA has been established and a system for management and oversight is in place.

As the Behavioral Health system continues its journey towards integration, changes in other sections of law have necessitated amendment to several subsections.

### Proposed Repeal Sections:

Section	Description and Analysis
<b>39-303A</b>	<p><b>Purpose:</b> Establishes to Regional Advisory Committees (RACS)</p> <p><b>Repeal Rationale:</b> Regional Behavioral Health Boards are afforded in Idaho Code 39-3132 passed last legislative session. Repeal of this section supports the following:</p> <ul style="list-style-type: none"> <li>• Reduces confusion</li> <li>• Eliminates potential conflict between a new and older statute</li> <li>• Ensures clarity for Regional Behavioral Health Board implementation</li> </ul>
<b>39-308</b>	<p><b>Purpose:</b> Ensure confidentiality of client records</p> <p><b>Repeal Rationale:</b> Newer privacy and confidentiality laws passed after AITA have increased the standards and legal requirements of practice. Specifically:</p> <ul style="list-style-type: none"> <li>• Health Insurance Portability and Accountability Act (HIPAA)</li> </ul>

(<http://www.gpo.gov/fdsys/pkg/PLAW-104publ191/html/PLAW-104publ191.htm>) established privacy standards for protected health information in the arenas of electronic transactions, provider identifiers, health insurance plans and employers – Enacted in 1996

- Central Federal Registry (CFR) Title 42, Public Health, Part 2 – Confidentiality of Alcohol and Drug Abuse Patient Records (<http://www.ecfr.gov/cgi-bin/text-idx?rgn=div5;node=42%3A1.0.1.1.2#sp42.1.2.b>) outline strictest requirements for client records – Enacted in 1987
- IDAPA 16.05.01.250 (Disclosure of Department Records) addresses the Departments responsibility to protect substance use disorder records.
- Idaho Code 37-3102 also affirms confidentiality of substance use treatment records.
- Removal of the subsection will reduce confusion and potential conflict with existing confidentiality and privacy laws

### Additional Information:

- The Association of Counties and Supreme Court were consulted; repeal of these sections yielded no objections.
- There is no fiscal impact anticipated with passage of this bill
- There is no operational impact of change
- Passage of this bill ensures efficient government and furthers the legislators' commitment to policy reform