

## Resources for Slide 41

<https://lac.org/addiction-confidentiality-42-cfr-part-2-important/>

<https://www.samhsa.gov/about-us/who-we-are/laws-regulations/confidentiality-regulations-faqs>

<https://www.asam.org/resources/publications/magazine/read/article/2013/08/15/confused-by-confidentiality-a-primer-on-42-cfr-part-2>

The [Legal Action Center](#) has developed a handy set of [FAQs](#) for the [Substance Abuse and Mental Health Services Administration](#), which are summarized here:

42 CFR Part 2 applies to any individual or entity that is federally assisted and holds itself out as providing, and provides, alcohol or drug abuse diagnosis, treatment or referral for treatment (42 CFR § 2.11). Most drug and alcohol treatment programs are federally assisted. For-profit programs and private practitioners that do not receive federal assistance of any kind would not be subject to the requirements of 42 CFR Part 2 unless the State licensing or certification agency requires them to comply. However, any clinician who uses a controlled substance for detoxification or maintenance treatment of a substance use disorder requires a [federal DEA registration](#) and becomes subject to the regulations through the DEA license.

The regulations restrict the disclosure and use of alcohol and drug patient records which are maintained in connection with the performance of any federally assisted alcohol and drug abuse program (42 CFR § 2.3(a)). The restrictions apply to any information disclosed by a covered program that “would identify a patient as an alcohol or drug abuser ...” (42 CFR §2.12(a) (1)). In laymen’s terms, the information protected by 42 CFR Part 2 is any information disclosed by a covered program that identifies an individual directly or indirectly as having a current or past drug or alcohol problem, or as a participant in a covered program.

With limited exceptions, 42 CFR Part 2 requires patient consent for disclosures of protected health information even for the purposes of treatment, payment, or health care operations. Consent for disclosure must be in writing.

Image: [https://www.asam.org/images/default-source/pubs-images/red-check-and-green-x.jpg?sfvrsn=7ca064c2\\_2](https://www.asam.org/images/default-source/pubs-images/red-check-and-green-x.jpg?sfvrsn=7ca064c2_2)