

Federal Confidentiality Requirements

42 CFR Part 2

Any program working with an individual diagnosed with a substance use disorder must follow these Federal confidentiality requirements:

1. **Notice required:** at the time of admission or as soon thereafter as the patient is capable of rational communication, each program shall:
 - a. Communicate to the patient that Federal law and regulations protect the confidentiality of alcohol and drug abuse patient records; and
 - b. Give to the patient a summary in writing of the Federal law and regulations.
2. **Required elements of written summary:** the written summary of the federal law and regulations must include:
 - a. A general description of the limited circumstances under which a program may acknowledge that an individual is present at the facility or disclose outside the program information identifying a patient as an alcohol or drug abuser.
 - b. A statement that violation of Federal law and regulations by a program is a crime and that suspected violations may be reported to appropriate authorities in accordance with these regulations.
 - c. A statement that information related to a patient's commission of a crime on the premises of the program or against personnel of the program is not protected.
 - d. A statement that reports of suspected child abuse and neglect made under State law to appropriate State or local authorities are not protected.
 - e. A citation to the Federal law and regulations.

Sample Notice

CONFIDENTIALITY OF ALCOHOL AND DRUG ABUSE PATIENT RECORDS

The confidentiality of alcohol and drug abuse patient records maintained by this program is protected by Federal law and regulations. Generally, the program may not say to a person outside the program that a patient attends the program, or disclose any information identifying a patient as an alcohol or drug abuser *Unless:*

- (1) The patient consents in writing;
- (2) The disclosure is allowed by a court order; or
- (3) The disclosure is made to medical personnel in a medical emergency or to qualified personnel for research, audit, or program evaluation.

Violation of the Federal law and regulations by a program is a crime. Suspected violations may be reported to appropriate authorities in accordance with Federal regulations.

Federal law and regulations do not protect any information about a crime committed by a patient either at the program or against any person who works for the program or about any threat to commit such a crime.

Federal laws and regulations do not protect any information about suspected child abuse or neglect from being reported under State law to appropriate State or local authorities.

(See 42 U.S.C. 290dd-3 and 42 U.S.C. 290ee-3 for Federal laws and 42 CFR part 2 for Federal regulations.)

(Approved by the Office of Management and Budget under control number 0930-0099)