

## **Substance Abuse and Mental Health Services Administration Part 2**

### **Listening Session**

The Substance Abuse and Mental Health Services Administration (SAMHSA) held a public listening session on June 11, 2014 to discuss potential changes to the regulations governing the confidentiality of alcohol and drug abuse information in patient records at 42 C.F.R. Part 2. These regulations are commonly referred to as the Part 2 regulations and only allow disclosure of patient alcohol and drug abuse information without patient consent in very limited circumstances. SAMHSA is considering revising the following provisions:

1. Applying 42 C.F.R. Part 2 to organizations or providers beyond entities that “hold themselves out as providing alcohol or drug abuse diagnosis.”
2. Modifying consent requirements to allow use of a more general description of the individual or organization rather than naming a specific individual or organization to whom a Part 2 disclosure can be made.
3. Redisclosure requirements to allow other health related information to be disclosed, but prohibiting redisclosure of information that identifies the individual as a substance abuser.
4. Whether substance abuse treatment information can be shared in the event of a medical emergency.
5. Expansion of the definition of a Qualified Service Organization (QSO) to include care coordination services and allow a QSO Agreement (QSOA) to be executed between the entity that stores Part 2 data and a service provider.
6. Allowing release of information to qualified researchers or research organizations and health care entities that store Part 2 data, including 3<sup>rd</sup> party payers, health information exchanges (HIEs), and integrated care delivery models (such as accountable care organizations (ACOs)).
7. Patient consent to electronic-prescribing, and access to Part 2 data from a Prescription Drug Monitoring Program (PDMP).

Participants in the town hall included consumer groups, representatives from HIEs, individuals representing the health information technology industry, providers, including substance abuse treatment providers, and other stakeholders. The majority of commenters supported revision of the Part 2 regulations to allow protected patient information to be more readily shared between routine medical care providers and substance abuse treatment providers to enable greater care coordination. For example, commenters generally supported the inclusion of substance abuse treatment information in HIEs, ACOs, patient-centered medical homes, and other integrated care entities. Some commenters supported aligning the Part 2 regulations with the HIPAA Privacy Rule and allowing disclosure without patient consent for treatment, payment, and healthcare operations. However, some addiction patient groups and privacy advocates expressed concern that this does not sufficiently protect patient information that includes alcohol or substance abuse information. Those concerned suggested that patients be allowed to control the extent to which their records are shared to ensure that privacy concerns don't deter individuals from seeking substance abuse treatment.

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SAMHSA accepted additional written comments on the Part 2 regulations until June 25, 2014. It is anticipated that SAMHSA will release a proposed rule addressing potential changes to the Part 2 regulations later this year.

[Click here to view a complete summary of the SAMHSA Part 2 Town Hall.](#)

[Click here to view a brief overview of the 42 C.F.R. Part 2 regulations](#)

For more information on Part 2, see our complete summary of the entire regulatory text here:

<http://www.healthinfo.org/federal-law/complete-overview-regulations-42-cfr-part-2>. To learn more about

HIPAA and disclosure of health information for treatment, payment, and healthcare operations, see:

<http://www.healthinfo.org/federal-law/HIPAA>.

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