42 CFR Part 2
Key Takeaways from the Updated SUD Law

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Agenda

• Distinguishing Part 2 from HIPAA
• Appropriate Part 2 Disclosures
• Safeguarding and Operationalizing Part 2 Information
• Enforcement
• SAMHSA Listening Session
• Questions

What is 42 CFR Part 2?


Limits the use and disclosure of records relating to substance use disorders and treatment.

Put federal regulations in place governing the confidentiality of substance use disorder treatment and prevention records.

Encourages people to seek treatment knowing there are privacy protections in place.
Appropriate Part 2 Disclosures

Notice about redisclosure

Uses without authorization

Uses with authorization

General Consents

Disclosure Updates From Jan. 2018

Contractors & Subcontractors

Abbreviated Notice

Audit & Evaluation

"42 CFR part 2 prohibits unauthorized disclosure of those records."

Effective: 2 February 2018
Contract compliance date: 2 February 2020

Special Circumstances

Court Orders & Law Enforcement

Receiving Information

Minors
Safeguarding & Operationalizing Part 2 Information

1. Paper or electronic records
2. Data classification
3. Controls that are in place
4. HIPAA Security Rule safeguards
5. Segregation of data
6. Consent workflow
7. Re-disclosure notice
8. Policies and procedures
9. Awareness and Training

Enforcement

Violations: HIPAA & 42 CFR Part 2
Sanctions: Criminal penalties under DOJ (Title 18)

Notification & Reporting

SAMHSA Listening Session
Questions?

Thank you!