

## **§2.22 Notice to Patients of Federal Confidentiality Requirements**

Under 2.22 of the 42 CFR Part 2 regulations the following is required:

(a) *Notice required.* At the time of admission to a Part 2 program or, in the case that a patient does not have capacity upon admission to understand his or her medical status, as soon thereafter as the patient attains such capacity, each Part 2 program shall:

- (1) Communicate to the patient that federal law and regulations protect the confidentiality of substance use disorder patient records; and
- (2) Give to the patient a summary in writing of the federal law and regulations.

(b) *Required elements of written summary.* The written summary of the federal law and regulations must include:

- (1) A general description of the limited circumstances under which a Part 2 program may acknowledge that an individual is present or disclose outside the Part 2 program information identifying a patient as having or having had a substance use disorder;
- (2) A statement that violation of the federal law and regulations by a Part 2 program is a crime and that suspected violations may be reported to appropriate authorities consistent with §2.4, along with contact information;
- (3) A statement that information related to a patient's commission of a crime on the premises of the Part 2 program or against personnel of the Part 2 program is not protected;
- (4) A statement that reports of suspected child abuse and neglect made under state law to appropriate state or local authorities are not protected; and
- (5) A citation to the federal law and regulations.

(c) *Program options.* The Part 2 program must devise a notice to comply with the requirement to provide the patient with a summary in writing of the federal law and regulations. In this written summary, the Part 2 program also may include information concerning state law and any of the Part 2 program's policies that are not inconsistent with state and federal law on the subject of confidentiality of substance use disorder patient records.

## **Confidentiality of Alcohol and Drug Abuse Client Records**

The confidentiality of alcohol and drug abuse client 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 client attends the program or disclose any information identifying a client as an alcohol or drug abuser; unless:

- (1) The client 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 client 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.

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Patient Signature

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Date of Patient Signature