

The following information is provided to you in compliance with state and federal laws. Please read this information and retain a copy. If you need additional copies, we are happy to provide them to you.

Federal Regulation 42 CFR Part 2

According to Federal Regulation 42 CFR Part 2, the confidentiality of alcohol and drug abuse client records maintained by a program is protected by Federal law and Regulations.

42 CFR Part 2 protects clients who have applied for, participated in, or received an interview, counseling, or any other service from a federally assisted alcohol or drug abuse program, identified as an alcohol or drug client during an evaluation of eligibility for treatment. Applicants are included, whether or not they are admitted to the program. However, a person who does not show up for an appointment that was arranged by a third party is NOT a client.

42 CFR Part 2 protects client identifying information that would identify a client as an alcohol or drug client, either directly or indirectly.

Any information, whether oral or written, that would directly or indirectly reveal a person's status as a current or former client.

Records protected from unauthorized disclosure include any information acquired about a client – including client's identity, address, medical or treatment information and all communications made by him or her to program staff – whether in writing or recorded in some other form. This means that the memories and impressions of program staff are considered "records" protected by the regulations even if they are never recorded in any form.

42 CFR Part 2 protects clients who have applied for, participated in, or received an interview, counseling or any other service from a federally assisted alcohol or drug abuse program, including someone who, after arrest on a criminal charge, is identified as an alcohol or drug client during an evaluation of eligibility for treatment. Applicants are included, whether or not they are admitted to a program.

42 CFR Part 2 defines "disclosures" as any communication of information about an identified client or of information that would identify someone as a client or as a drug or alcohol abuser, including verification of information that is already known by the person making the inquiry.

Restrictions on disclosures pertain to disclosures made to third parties as well as disclosures made within the program.

Implicit as well as explicit disclosures are prohibited under 42 CFR Part 2. As an example, one may not disclose that an individual is attending a program that is publicly recognized as a place where only alcohol or drug abuse services are provided, unless the individual consents in accordance with regulations or unless the disclosure fits within one of the exceptions to the general rule prohibiting disclosure.

If a program receives a request for disclosure of an individual's records that is not permitted by the regulations, it must decline to make the disclosure, and must be sure to do so in a way that does not disclose that the individual has ever been diagnosed or treated for an alcohol or drug problem.

Appropriate response to request for protected information: "federal law prohibits me from disclosing that information."