

LOGO

CONFIDENTIALITY POLICIES

1. Program is defined as:
 - a. An individual or entity (other than a general medical facility) who holds itself out as providing and does in fact provide substance use disorder diagnosis, treatment or referral for treatment; or
 - b. An identified unit within a general medical facility that holds itself out as providing and does provide in fact substance use disorder diagnosis, treatment or referral for treatment; or
 - c. Medical personnel or other staff in general medical facility whose primary function is the provision of substance use disorder diagnosis, treatment, or referral for treatment and who are identifies as such providers.
2. A general consent in the "To whom" field is now permitted that allows disclosure of information to individuals and entities that have a treating provider relationship with the patient.
3. Additional options for patients to complete the "To whom" section, include
 - a. The name of an individual;
 - b. The name of an entity with a treating provider relationship with the patient;
 - c. The name that the patient does not have a treating provider relationship with but is a third party payer; and
 - d. The name of entity that does not have a treating provider relationship with nor is a third party payer but includes the name of specific participants or is a general designation.
 - e. It is required that the compliant consent include the date, event, condition that the consent will expire unless terminated before those listed. For example, the consent can designate the HIE entity specifically as long as a class of individuals and or entity/participants with a provider relationship are named.
4. It is required that upon request a patient who includes a general designation on the consent form may obtain a list of entities to which their information is disclosed.
5. The specific name of the part 2 program must be identified on the consent.

6. In the consent, the SUD-related information to be disclosed must have specificity so the disclosing entity knows what is expected. So it can be listed:
 - a. medication and dosages;
 - b. lab tests;
 - c. substance use history summaries; or
 - d. all my substance use disorder information.
7. The prohibition on re-disclosure only applies to information that would identify, directly or indirectly, an individual as having been diagnosed, treated referred for treatment for a substance use disorder. Other health-related information can be shared if so allowed in current law.
8. Patient identifying information may be disclosed to medical personnel to the extent necessary to meet a bona fide medical emergency. If so disclosed, a part 2 program must immediately document, in writing, specific information related to disclosing:
 - a. The name of the medical personnel to whom the disclosure is made and their affiliation with the health facility;
 - b. The name of the person making the disclosure;
 - c. The date and time of disclosure; and
 - d. The nature of the emergency.
9. A patient who has designated through a General Designation Consent has the right to request a list of all items released during the previous two years. This request must be in writing and must be completed by the program within 30 days of the written request.
10. Information may be released for scientific research as long as the researcher provides documentation that they are meeting all requirements related to protections for human research.
11. A Qualified Service Organization is defined as a person who provides services to a program such as data processing, bill collecting, dosage preparation, laboratory analysis, or legal, medical accounting or other professional services or to prevent or treat child abuse and neglect. The law states that a written agreement must be entered under which a person acknowledges that receiving and storing information is bound by all regulations.