

New Era for Patient Privacy Laws: SAMHSA Updates 30-Year-Old Rule on Confidentiality of Patient Records

April 27, 2017

PRACTICES Healthcare Transactions and Regulatory, Healthcare and Life Sciences

Over the past two decades, healthcare has transitioned from primarily fee-for-service payment models to coordinated care that encourages and rewards collaboration and electronic exchange of patient information to improve health outcomes. Now, after more than 30 years, the Substance Abuse and Mental Health Services Administration (“SAMHSA”) chose to update its regulations on confidentiality of patient records, 42 CFR Part 2 (“Part 2”), in order to facilitate the exchange of health information while addressing the privacy concerns of substance use disorder patients.

The final rule, Confidentiality of Substance Use Disorder Patient Records (the “Rule”), was released on January 17, 2017, and went into effect on March 21, 2017. In general, the Rule restricts disclosure of any information that can identify a patient as having or having had a substance abuse disorder, either directly, by reference to publicly available information, or through verification of such identification by another person. This article summarizes the Rule and some of the major changes for entities that may be required to comply with its requirements, such as Part 2 program participants, health information exchanges (“HIEs”), Accountable Care Organizations (“ACOs”), and third-party payers.

To read the full article, click on the PDF linked below.

[New-Era-for-Patient-Privacy-Laws.PDF](#)