

SUD Confidentiality Laws Updated to Fit Today's Health Care Structure

SAMHSA issued the [final updated rule](#) on Substance Use Disorder confidentiality as required by 42 CFR Part 2, which became effective in February 2018. This rule update has been in the making for two years, and this is the first substantial change to that statute since 1987. The new rule accounts for the changes in the structure of the health care system over the past two decades. That includes: focus on integration of care and outcomes; changes to technology; and expansion of prescription drug monitoring programs.

For many years restrictions in the sharing of consumer information related to a substance use disorder have been very tight and, with the national trend towards integration of care as a fundamental framework for health care, it has been increasingly difficult for funders and providers to share pertinent information. Some might say the law was actually obstructing quality outcomes for consumers with SUD because information could not be shared. SAMHSA is finding the balance between maintaining confidentiality, sharing data across providers, and increasing the quality of services and supports through collaboration. An example is a statement SAMHSA has developed that fits health care electronic systems and addresses the concern of re-disclosure of a SUD diagnosis. That statement now reads, “Federal law/42 CFR part 2 prohibits unauthorized disclosure of these records.”

For more information go to the [SAMHSA webpage](#).