

## SUBCHAPTER A—GENERAL PROVISIONS

### PART 1 [RESERVED]

### PART 2—CONFIDENTIALITY OF SUBSTANCE USE DISORDER PATIENT RECORDS

#### Subpart A—Introduction

Sec.

- 2.1 Statutory authority for confidentiality of substance use disorder patient records.
- 2.2 Purpose and effect.
- 2.3 Criminal penalty for violation.
- 2.4 Reports of violations.

#### Subpart B—General Provisions

- 2.11 Definitions.
- 2.12 Applicability.
- 2.13 Confidentiality restrictions and safeguards.
- 2.14 Minor patients.
- 2.15 Incompetent and deceased patients.
- 2.16 Security for records.
- 2.17 Undercover agents and informants.
- 2.18 Restrictions on the use of identification cards.
- 2.19 Disposition of records by discontinued programs.
- 2.20 Relationship to state laws.
- 2.21 Relationship to federal statutes protecting research subjects against compulsory disclosure of their identity.
- 2.22 Notice to patients of federal confidentiality requirements.
- 2.23 Patient access and restrictions on use.

#### Subpart C—Disclosures with Patient Consent

- 2.31 Consent requirements.
- 2.32 Prohibition on re-disclosure.
- 2.33 Disclosures permitted with written consent.
- 2.34 Disclosures to prevent multiple enrollments.
- 2.35 Disclosures to elements of the criminal justice system which have referred patients.
- 2.36 Disclosures to prescription drug monitoring programs.

#### Subpart D—Disclosures without Patient Consent

- 2.51 Medical emergencies.
- 2.52 Research.
- 2.53 Audit and evaluation.

#### Subpart E—Court Orders Authorizing Disclosure and Use

- 2.61 Legal effect of order.
- 2.62 Order not applicable to records disclosed without consent to researchers, auditors and evaluators.
- 2.63 Confidential communications.
- 2.64 Procedures and criteria for orders authorizing disclosures for noncriminal purposes.
- 2.65 Procedures and criteria for orders authorizing disclosure and use of records to criminally investigate or prosecute patients.
- 2.66 Procedures and criteria for orders authorizing disclosure and use of records to investigate or prosecute a part 2 program or the person holding the records.
- 2.67 Orders authorizing the use of undercover agents and informants to criminally investigate employees or agents of a part 2 program.

AUTHORITY: 42 U.S.C. 290dd-2.

SOURCE: 82 FR 6115, Jan. 18, 2017, unless otherwise noted.

#### Subpart A—Introduction

##### § 2.1 Statutory authority for confidentiality of substance use disorder patient records.

Title 42, United States Code, Section 290dd-2(g) authorizes the Secretary to prescribe regulations. Such regulations may contain such definitions, and may provide for such safeguards and procedures, including procedures and criteria for the issuance and scope of orders, as in the judgment of the Secretary are necessary or proper to effectuate the purposes of this statute, to prevent circumvention or evasion thereof, or to facilitate compliance therewith.

##### § 2.2 Purpose and effect.

(a) *Purpose.* Pursuant to 42 U.S.C. 290dd-2(g), the regulations in this part impose restrictions upon the disclosure and use of substance use disorder patient records which are maintained in connection with the performance of any part 2 program. The regulations in this part include the following subparts: