



LEGAL ACTION CENTER

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NOTICE TO ACCOMPANY DISCLOSURES

Sharing Substance Use Disorder Treatment Records Protected by 42 CFR Part 2

INTRODUCTION & CONTEXT. The 2024 Final Rule on 42 CFR Part 2 updated the required notice that accompanies disclosures of Part 2-protected substance use disorder treatment records with patient consent. Part 2 programs and lawful holders may use *either* statement below (“long notice” or “short notice”) when sharing protected Part 2 records with a third party.

LONG NOTICE (42 CFR § 2.32(a)(1))

This record which has been disclosed to you is protected by Federal confidentiality rules (42 CFR part 2). These rules prohibit you from using or disclosing this record, or testimony that describes the information contained in this record, in any civil, criminal, administrative, or legislative proceedings by any Federal, State, or local authority, against the patient, unless authorized by the consent of the patient, except as provided at 42 CFR 2.12(c)(5) or as authorized by a court in accordance with 42 CFR 2.64 or 2.65. In addition, the Federal rules prohibit you from making any other use or disclosure of this record unless at least one of the following applies:

- (i) Further use or disclosure is expressly permitted by the written consent of the individual whose information is being disclosed in this record or as otherwise permitted by 42 CFR part 2.
- (ii) You are a covered entity or business associate and have received the record for treatment, payment, or health care operations, or
- (iii) You have received the record from a covered entity or business associate as permitted by 45 CFR part 164, subparts A and E.

A general authorization for the release of medical or other information is NOT sufficient to meet the required elements of written consent to further use or redisclose the record (see 42 CFR 2.31).

SHORT NOTICE (42 CFR § 2.31(a)(2))

42 CFR part 2 prohibits unauthorized use or disclosure of these records.

ADDITIONAL REQUIREMENT FOR DISCLOSURES. The 2024 Final Rule also introduced a *new* requirement that disclosures of Part 2-protected records be accompanied by a copy of the patient’s consent or a clear explanation of the scope of the consent provided.

EFFECTIVE DATE & COMPLIANCE DATE. The Final Rule went into effect April 16, 2024. Programs and lawful holders have until February 16, 2026 to implement these changes when making disclosures of Part 2-protected records.

MORE INFORMATION. Resources, trainings, and advocacy materials on civil rights and privacy protections for people who use(d) drugs are available [here](#). You can also subscribe to health privacy [updates](#), or contact privacyta@lac.org.

Citations: 42 CFR [§ 2.32](#) (2024); see *also* Confidentiality of Substance Use Disorder Patient Records Final Rule, [89 Fed. Reg. 12472](#) (Feb. 16, 2024).