



NC DEPARTMENT OF
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HUMAN SERVICES**

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LME-MCO Joint Communication Bulletin # J370

Date: August 4, 2020

To: Local Management Entities-Managed Care Organizations (LME-MCOs)

From: Deb Goda, Behavioral Health Unit Manager, NC Medicaid
Renee Rader, Assistant Director for Policy and Programs, DMH/DD/SAS

Subject: 42 CFR Part 2

On July 15, 2020, the Substance Abuse and Mental Health Services Administration (SAMHSA) finalized modifications to the Confidentiality of Substance Use Disorder Patient Records regulations, 42 CFR Part 2 (“Part 2”). Part 2 rules are applicable to federally assisted programs and protect the confidentiality of individuals in substance use disorder (SUD) treatment by establishing privacy and security requirements for written, electronic, and verbal information.

Modifications to Part 2 will be effective Aug. 14, 2020. According to SAMHSA, the intent of these modifications is to facilitate sharing of information between Part 2 programs, primary care providers, and other entities to improve care coordination and ultimately enhance patient care. Highlights include:

- Declared emergencies resulting from natural disasters (e.g., hurricanes) that disrupt treatment facilities and services are considered a “bona fide medical emergency,” for the purpose of disclosing SUD records without patient consent;
- Clarification that state agencies may conduct audits of SUD treatment for improvement of care, utilization of services and medical necessity; and
- Permit research disclosures of Part 2 patient data by a Health Insurance Portability and Accountability Act (HIPAA) covered entity to non-covered entities for the purpose of conducting scientific research;
- SUD patients may consent to the disclosure of their records to an entity without naming a specific individual as the recipient at that entity.

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Training opportunities will be forthcoming. To see modifications under the Revised Part 2 rule, you may refer to the [Final Rule](#) and <https://www.hhs.gov/about/news/2019/08/22/hhs-42-cfr-part-2-proposed-rule-fact-sheet.html>.

Please direct any questions or comments to DeDe Severino at Dede.Severino@dhhs.nc.gov at DMH/DD/SAS or Howard Anthony at Howard.Anthony@dhhs.nc.gov at NC Medicaid.

Previous bulletins can be accessed at:

www.ncdhhs.gov/divisions/mhddsas/joint-communication-bulletins

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