

Appendix G. Guidance on documentation and disclosure of information related to substance use and its treatment

Federal substance abuse confidentiality regulations (42 CFR, Part 2) do not apply to patient self-disclosure to her OB/GYN provider or to information gathered from anyone who is not a substance abuse treatment provider, such as a care manager, primary care physician, emergency department, etc. In the health record, OB/GYN providers should be careful, when documenting and disclosing information related to substance use, to include only medically necessary and accurate information with no subjective comments. ACOG Committee Opinion Number 422 (2008) states that “concerns about protection of confidentiality and nonmaleficence can be addressed most appropriately by including only medically necessary, accurate information in the medical record and informing the patient about the purpose of any disclosure.”

Any diagnosis or treatment information received from a “Part 2 facility” (i.e., a substance abuse treatment provider that is supported by federal funds) should be accompanied by a specific release of information form that will include language regarding 42 CFR, Part 2, as well as a written notice prohibiting redisclosure. This treatment information should be kept in a separate, secure file.