

Explaining 42 CFR Part 2 Consent to Patients

What You Are Asking the Patient to Consent To

Under **42 CFR Part 2**, patients must give **written consent** before their substance use disorder (SUD) treatment information can be shared. This consent allows the provider to:

1. **Share the patient's SUD treatment information** with other treating providers, health plans, and operational partners **for Treatment, Payment, and Healthcare Operations (TPO)**.
 - As of February 16, 2026, patients may sign **one durable consent** authorizing these future disclosures rather than having to sign consent for each disclosure separately.
2. **Allow downstream HIPAA-covered entities** (such as hospitals, other clinicians, health plans) to **use and redisclose the information consistent with HIPAA, except** that SUD information **cannot** be used in civil, criminal, administrative, or legislative proceedings against the patient without separate consent or court order.
3. The consent form includes information on:
 - Who may disclose the information
 - Who may receive it
 - What information is being shared
 - The purpose of sharing
 - How the patient can revoke consent

FAQs

The following FAQs can be used directly in conversations with patients who question the form to help simplify conversations about consent. Patients often have understandable fears about how their SUD information is used and protected. Clear, consistent explanations help build trust and support informed decision-making.

1. Why am I being asked to sign this consent form?

Federal law (**42 CFR Part 2**) gives extra privacy protections to substance use disorder (SUD) treatment information. As part of the SUD consulting team, we can't share information related to our discussion with other providers or your insurance unless **you give permission**. These protections exist to prevent discrimination and encourage people to seek treatment safely.

2. What exactly am I giving permission for?

You are allowing us to **share your SUD treatment information** with other health professionals and your insurance for purposes like coordinating your care, getting your medications approved, or processing payment.

As of 2026, you can sign **one consent** that covers these routine uses ("TPO consent") instead of signing multiple forms.

3. Who will be able to see my information?

Only the specific individuals or organizations listed in the consent—such as your treating providers, health plans, and people involved in healthcare operations. Federal rules require that everyone with access follows HIPAA privacy standards.

We cannot share your records with your employer, law enforcement, or anyone not listed in your consent — even in response to a subpoena — without a special court order. Your records receive stronger protections than almost any other type of medical record.

4. Can my information be used against me in legal situations?

No. Even with this consent, your SUD treatment information **cannot** be used in civil, criminal, administrative, or legislative proceedings against you unless you sign a **separate** consent or a court orders it.

5. Can I change my mind later?

Yes. You can revoke your consent at any time. You can contact our Privacy Office as described in the consent form if you change your mind.

6. What if I don't sign the consent?

Without your consent, we can still provide treatment, but we **cannot share** your SUD information with other providers or your insurer for routine care coordination or payment. This may delay services such as referrals, prior authorizations, or medication approvals.

7. Why are these protections so strict?

SUD treatment information is extremely sensitive and historically has been misused or stigmatized. These rules exist to make sure you feel safe seeking care and that your information receives the highest level of protection.

8. Has something changed recently?

Yes. New federal updates (effective February 16, 2026) modernized the system by allowing **one durable TPO consent**, aligning some rules with HIPAA, and increasing enforcement and penalties for improper disclosures.
