

Resources for Understanding Legal and Regulatory Guardrails

Instructions

Sharing potentially sensitive information is key to delivering and coordinating care that patients need. However, complex federal and state law leaves plans and providers unsure about what information can be safely shared.

Please use the resources listed below to learn more about how information may be safely shared to deliver services and coordinate care.

Resource	Description
Overcoming Data-Sharing Challenges in the Opioid Epidemic: Integrating Substance Use Disorder Treatment in Primary Care Source: California Health Care Foundation	This paper summarizes the requirements of the federal substance use disorder (SUD) confidentiality rules set forth under 42 Code of Federal Regulations (CFR) Part 2, discusses the steps that primary care practices currently take to effectively coordinate SUD care without violating the rules, suggests additional compliance strategies that might enhance data sharing, and offers for consideration modest revisions to the rules that could promote the integration of care without undermining patient privacy.
State Health Information Guidance (SHIG) on Sharing Behavioral Health Information Source: State of California Office of Health Information Integrity	The SHIG is an authoritative but nonbinding guidance from the State of California written in plain language for a general audience. It explains when, where, and why mental health and substance use disorder information can be exchanged and also provides clarification of state and federal laws.
Medi-Cal Managed Care Health Plan Responsibilities for Outpatient Mental Health Services Source: California Department of Health Care Services All Plan Letter	The All Plan Letter explains the contractual responsibilities of Medi-Cal managed care health plans (MCPs) for the provision of medically necessary outpatient mental health services and the regulatory requirements for the Medicaid Mental Health Parity Final Rule. It also delineates MCP responsibilities for referring to, and coordinating with, county Mental Health Plans (MHPs) for the delivery of specialty mental health services (SMHS).
Disclosure of Substance Use Disorder Patient Records: Does Part 2 Apply to Me? (PDF) Source: Substance Abuse and Mental Health Services Administration (SAMHSA)	To help stakeholders understand their rights and obligations under Part 2, SAMHSA released a fact sheet focused on helping health care providers determine how Part 2 applies to them by depicting scenarios they might encounter when caring for patients. Each scenario illustrates whether Part 2 applies to a theoretical disclosure of patient health information, and if so, what a provider would need to do to properly disclose the information according to Part 2.
Disclosure of Substance Use Disorder Patient Records: How Do I Exchange Part 2 Data? (PDF) Source: SAMHSA	This fact sheet demonstrates how Part 2 applies to the electronic exchange of health care records with a Part 2 program. The fact sheet presents health information exchange scenarios and illustrates how Part 2 applies to a theoretical disclosure of patient health information in each scenario.
Applying the Substance Abuse Confidentiality Regulations	FAQs address such questions as: <ul style="list-style-type: none">• What is Part 2's relationship to state laws?

This resource is part of the CHCF Opioid Safety Toolkit. Learn more at chcf.org/opioidsafetytoolkit.

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Source: SAMHSA	<ul style="list-style-type: none">• Does Part 2 permit a health care provider to disclose information without consent when there is an immediate threat to the health or safety of an individual or the public?• Do all primary care providers who prescribe controlled substances to treat substance use disorders meet the definition of a “program” under Part 2?• Is information generated by the provision of SBIRT (Screening, Brief Intervention, and Referral to Treatment) services covered by Part 2?
Medi-Cal All Plan Letter: Professional Fees for Office Visits Associated with Alcohol and Substance Use Disorder Treatment Services (PDF) Source: California Department of Health Care Services	The All Plan Letter explains the requirements of Medi-Cal managed care plans to reimburse providers for office visits associated with alcohol and SUD treatment services when provided by a network provider acting within the provider’s scope of practice. The letter clarifies that providers with waivers can prescribe buprenorphine for SUD treatment.

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