42 CFR Part 2 Compliance Consulting for Substance Use Disorder Records

Last reviewed October 2026 · https://www.integralhs.com/part-2-substance-use-records-compliance

What to have ready

Gathering these items before the first working session shortens the gap assessment. Each ties to a provision of 42 CFR Part 2 as amended in 2024.

- Your current notice of privacy practices. Part 2 requires a program to "provide notice, written in plain language, of the program's legal duties and privacy practices" (42 CFR 2.22(b) [https://www.ecfr.gov/api/renderer/v1/content/enhanced/current/title-42?part=2&section=2.22]).
- Every patient consent form in use, including any single consent for treatment, payment and health care operations (42 CFR 2.33(a)(2) [https://www.ecfr.gov/api/renderer/v1/content/enhanced/current/title-42?part=2&section=2.33]).
- The written statement your staff attach to consented disclosures. "Each disclosure made with the patient's written consent must be accompanied by one of the following written statements" (42 CFR 2.32(a) [https://www.ecfr.gov/api/renderer/v1/content/enhanced/current/title-42?part=2&section=2.32]).
- Your written security policies and procedures. The program "must have in place formal policies and procedures to reasonably protect against unauthorized uses and disclosures of patient identifying information" (42 CFR 2.16(a) [https://www.ecfr.gov/api/renderer/v1/content/enhanced/current/title-42?part=2&section=2.16]).
- Your breach response workflow and breach notification procedure, read against the HIPAA breach provisions Part 2 adopts (42 CFR 2.16(b) [https://www.ecfr.gov/api/renderer/v1/content/enhanced/current/title-42?part=2&section=2.16]).
- The facts your counsel relies on to decide whether you are a federally assisted program (42 CFR 2.11 [https://www.ecfr.gov/api/renderer/v1/content/enhanced/current/title-42?part=2&section=2.11], referring to § 2.12(b)).
- An inventory of the records maintained in connection with the program (42 CFR 2.2(a) [https://www.ecfr.gov/api/renderer/v1/content/enhanced/current/title-42?part=2&section=2.2]).
- A list of the organizations that receive your records and the contracts with them, including covered entities and business associates (42 CFR 2.33(a)(2) [https://www.ecfr.gov/api/renderer/v1/content/enhanced/current/title-42?part=2&section=2.33]).
- A record of what was updated for the February 16, 2026 compliance date and what was not (Federal Register [https://www.federalregister.gov/documents/2024/02/16/2024-02544/confidentiality-of-substance-use-disorder-sud-patient-records]).