

# **SANILAC COUNTY COMMUNITY MENTAL HEALTH AUTHORITY**

## CLINICAL POLICY

**NUMBER: BC043**

**NAME: RELEASE OF INFORMATION IN SUBSTANCE USE PROGRAMS**

INITIAL APPROVAL DATE:	09/23/2008	BY: Sanilac CMH Board
STAKEHOLDER REVIEW:	05/07/2014	BY: Consumer Advisory Board
(LAST) REVISION DATE:	04/15/2014	BY: Clinical Policy Committee
(LAST) REVIEW DATE:	07/27/2023	BY: Policy Committee
DISCONTINUED DATE:	NA	REPLACED BY: NA

### **I. PURPOSE**

To ensure the confidentiality of individuals receiving Substance Use services is maintained.

### **II. APPLICATION**

Populations: **ALL**  
Programs: **Direct - ALL**  
**Contracted - NA**

### **III. POLICY**

All staff members providing services funded with Substance Use funds shall ensure that all information pertaining to recipients is kept confidential, subject to the limitations and conditions established within 42CFR, Part 2.

### **IV. DEFINITIONS**

None

### **V. STANDARDS**

The confidentiality of an individual's alcohol and drug use record maintained by the program is protected by federal law and regulations. Releases of information relating to treatment of individuals receiving substance use services from Sanilac CMH are allowed under the following circumstances:

1. The individual consents (to release) in writing.
2. The disclosure is allowed by a court order or
3. The disclosure is made to medical personnel in a medical emergency or to appointed personnel for research, or audit or program evaluation.
4. The individual commits or threatens to commit a crime either at the program or against any person who works for the program.

Violation of Federal law and regulations by a program or a staff person is a crime. Suspected violations may be reported to appropriate authorities in accordance with Federal regulations.

Federal law and regulations do not protect any information about a crime committed by an individual either at the program or against any person who works for the program or about any threat to commit such a crime.

Federal law and regulations do not protect any information about suspected child abuse or neglect from being reported under state law to appropriate state or local authorities.

**VI. ATTACHMENTS**

None

**VII. REFERENCES**

42 CFR, Part 2

Form #0393 – Confidentiality of Alcohol & Drug Abuse Patient Information

Form #0395 – Consent for Release of Confidential Information for Substance Abuse Services