

Section 6	Compliance Policies	- Effective
Subject 6.2	Privacy and Disclosure	- Revised
Policy 6.2.6	Confidentiality of Substance Abuse Treatment Program Records	- Reviewed
		Compliance Office - Author

Confidentiality of Substance Abuse Treatment Program Records

Audience

The information in this document applies to all UTMB faculty, staff, students, volunteers, and any other contractors or agents granted access to Protected Health Information (PHI).

Definition

Substance Abuse Treatment Program Record: Records of the identity, diagnosis, prognosis, or treatment of any patient which are maintained in connection with the performance of any program or activity relating to substance abuse education, prevention, training, treatment, rehabilitation, or research, which is conducted, regulated, or directly or indirectly assisted by UTMB. The Substance Abuse Treatment Record does not apply to screening unless the screening is part of the treatment process.

Policy

Under the Health Insurance Promotability and Accountability Act (HIPAA) privacy regulations, Substance Abuse Treatment Records are considered a unique subset of PHI, which must be treated differently from other types of PHI.

To comply with these regulations, UTMB shall ensure that Substance Abuse Treatment Records will be confidential and will be disclosed only for the purposes expressly authorized by the individual who is the subject of the Substance Abuse Treatment Record, except as provided in the *Permitted Disclosures* section of this policy.

An authorization to release Substance Abuse Treatment Records must be acquired for any non-Treatment, Payment, or Healthcare Operations (TPO) related functions or for any disclosure not permitted below. Substance Abuse Treatment Records may be released if the individual has provided an authorization as required in *IHOP policy #, Uses and Disclosures of PHI Based on Patient Authorization Policy*.

Permitted Disclosures: The content of any Substance Abuse Treatment Abuse Record may be used and disclosed in accordance with the prior written consent of the patient for TPO. For any other use or disclosure of a Substance Abuse Treatment Record, UTMB or the Substance Abuse Treatment Director or designee must have an authorization from the individual granting UTMB permission to disclose the information prior to the release of any portion

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UTMB HANDBOOK OF OPERATING PROCEDURES

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Policy, (cont'd)

Permitted disclosures, continued: of the Substance Abuse Treatment Record. However, UTMB may disclose the Substance Abuse Treatment Record without the patient's authorization if:

1. Medical personnel are required to treat the individual in an emergency situation;
2. Qualified personnel are conducting management audits, financial audits, or program evaluation, but such personnel may not identify, directly or indirectly, any individual patient in any report of such research, audit, or evaluation, or otherwise disclose patient identities in any manner;
3. An individual is authorized by an appropriate order of a court of competent jurisdiction; or
4. UTMB must report information in the Substance Abuse Treatment Records by law.

Accounting of Disclosures: Certain disclosures of PHI outside of UTMB require documentation. Refer to *IHOP Policy #, Accounting of Disclosures* to determine whether an accounting of disclosure is required.

Use of Records in Criminal Proceedings: Except as authorized by a court order, no Substance Abuse Treatment Record may be used to initiate or substantiate any criminal charges against a patient or to conduct any investigation of a patient.

Application: The prohibitions of this policy continue to apply to records concerning any individual who has been a patient, even when such individual ceases to be a patient.

Enforcement

All supervisors are responsible for enforcing this policy. Individuals who violate this policy will be subject to the appropriate and applicable disciplinary process, up to and including termination or dismissal.

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