

Dear Colleagues:

The Substance Abuse and Mental Health Services Administration (SAMHSA) and the Office of the National Coordinator (ONC) for Health Information Technology have partnered to develop a Frequently Asked Questions (FAQs) document for applying the Substance Abuse Confidentiality Regulations to Health Information Exchanges (HIEs). This document is an educational tool that serves as a resource for practitioners in the field, as they are applying the Substance Abuse Confidentiality Regulations to Health Information Exchange activities, but does not provide legal advice to its user.

As you are aware, the Federal confidentiality law and regulations (codified as 42 U.S.C. § 290dd-2 and 42 CFR Part 2 (“Part 2”)) were enacted almost three decades ago. With the contemporary emphasis on electronic health records and health information, these FAQs relate to health information organizations and HIEs and the principles for applying the Part 2 regulations.

As follow-up to the release of the FAQs, SAMHSA and ONC will convene a meeting of concerned or interested parties from both the Behavioral Health and Information Technology (BH-IT) communities on August 4, 2010. The meeting will be an opportunity for us to hear your thoughts and opinions regarding the utility of the FAQs. In anticipation of the questions/comments that many of you may have, SAMHSA and ONC will also be hosting a webinar to allow those unable to attend the August 4th meeting to be briefed on the FAQs.

SAMHSA and ONC are both committed to adhering to the Federal protections of 42 CFR Part 2 and the importance of promoting behavioral health in electronic health records. We remain committed to ensuring that patient records are properly safeguarded in an ever evolving electronic age of information sharing.

Sincerely,

/s

Pamela S. Hyde, J.D.
Administrator
Substance Abuse and Mental Health
Services Administration

/s

David Blumenthal, M.D., M.P.P.
National Coordinator
Office of the National Coordinator for
Health Information Technology

Enclosure