

 JOHNS HOPKINS BLOOMBERG SCHOOL of PUBLIC HEALTH	Human Research Protection Program Policies & Procedures	
	Identification	Page 1 of 3
Title: Confidentiality of Drug and Alcohol Treatment Records	Date Effective March 22, 2005	Supercedes P&P dated

BACKGROUND

The Federal regulations protect all information about any person who has been given a diagnosis of alcohol or drug abuse, has applied for treatment, or has been treated for either condition in a federally assisted program. They specifically protect the confidentiality of alcohol and drug abuse treatment records, including all information that could reasonably be used to identify an individual.

JHSPH POLICY AND PROCEDURES

The Directors of federally-assisted drug and alcohol treatment programs may provide patient-identifying drug and alcohol treatment records to researchers only when all of the following conditions are met:

- the researcher is qualified to do the research; and
- the information will be securely stored when not in use; and
- written procedures will be adopted that control access to, and use of, the patient identifying information, and
- individually identifiable information will not be re-disclosed without the express permission of the patient, and
- CHR has approved the protocol.

When these criteria are met, the treatment center may disclose patient-identifying information to the researcher without specific consent from the patient. Note, however, that patient records are controlled by the treatment program and access to them is subject to how the Program Director interprets these regulations.

Consent for Disclosure Beyond the Research

If an investigator wishes to disclose patient-identifying drug/alcohol abuse treatment information for scientific purposes beyond those associated with the study, or when the above criteria are not met, the patient must provide an additional consent that is beyond the consent required for research. The additional consent must include:

1. the name or general designation of the program or person permitted to make the disclosure,
2. the name or title of the individual or the name of the organization to which disclosure will be made,
3. the name of the subject,
4. the purpose of the disclosure,
5. how much and what kind of information will be disclosed,
6. the signature of the subject and, if the subject is a minor, the signature of a person authorized to give consent; or, when required for a subject who is incompetent or deceased, the signature of a person authorized to sign for the subject,
7. the date on which the consent is signed,
8. a statement that the consent may be revoked at any time, except to the extent that the program or person which is to make the disclosure has already acted in reliance on it, and
9. the date, event, or condition upon which the consent will expire, if not already revoked; the date, event, or condition must insure that the consent will last no longer than reasonably necessary to serve its intended purpose.

Drug and alcohol records disclosed with the patient's written consent must be accompanied by the following written statement:

This information has been disclosed to you (name of the researcher) from records protected by Federal confidentiality rules (42 CFR part 2). The Federal rules prohibit you from making any further disclosure of this information unless further disclosure is expressly permitted by the written consent of the person to whom it pertains or as otherwise permitted by 42 CFR part 2. A general authorization for the release of medical or other information is NOT sufficient for this purpose. The Federal rules restrict any use of the information to criminally investigate or prosecute any alcohol or drug abuse patient.

A sample [consent form](#) is available..

DEFINITIONS

Disclose or disclosure: a communication of patient identifying information, the affirmative verification of another person's communication of patient identifying information, or the communication of any information from the record of a patient who has been identified.

Patient: an individual who has applied for or been given a diagnosis of, or treatment for, alcohol or drug abuse at a federally assisted program.

Patient identifying information: the name, address, social security number, fingerprints, photograph, or similar information by which the identity of a patient can be determined with reasonable accuracy and

speed either directly or by reference to other publicly available information.

Alcohol or drug treatment program:

(a) An individual or entity (other than a general medical care facility) who holds itself out as providing, and provides, alcohol or drug abuse diagnosis, treatment or referral for treatment; or

(b) An identified unit within a general medical facility which holds itself out as providing, and provides, alcohol or drug abuse diagnosis, treatment or referral for treatment; or

(c) Medical personnel or other staff in a general medical care facility whose primary function is the provision of alcohol or drug abuse diagnosis, treatment or referral for treatment and who are identified as such providers.

RESOURCES & REFERENCES

42 CFR Part 2

42 CFR 2.52(a)

OHRP Requirement _____
FDA Requirement _____
AAHRPP Element _____