

## SUBSTANCE USE DISORDER

### 1. General Confidentiality Statement

The confidentiality of alcohol and drug abuse patient records maintained by this practice is protected by federal law and regulations. This practice may not say to a person outside the practice that a patient attends the substance use disorder program, or disclose any information identifying a patient as an alcohol or drug abuser unless:

- The patient **consents in writing**.
- The disclosure is allowed by a **court order**.
- The disclosure is made to **medical personnel in a medical emergency**.
- The disclosure is for **audit or evaluation purposes**.

### 2. Virginia-Specific Disclosures (12VAC35-115-80)

In addition to federal rules, [Virginia Human Rights Regulations](#) outline specific state-level permissions and restrictions: If/When our office receives Substance Use Disorder records and become a “Lawful Holder”, the following protections have been incorporated into our Privacy Policy

- **Handling of Records:** Once received, SUD records from a Part 2 program are subject to heightened confidentiality. These records may be used for treatment or operations based on a general consent, but specific consent is required for other uses.
- **Disclosure Restrictions:** Under Federal law and [Virginia Code § 32.1-127.1:03](#), SUD records and testimony cannot be used in legal proceedings without specific consent or a court order.
- **Minors & Emergencies:**
- **Minors** can consent to their own SUD treatment. In a bona fide medical emergency, necessary information may be disclosed.
- **Minors:** Per VA Code § 54.1-2969, minors may authorize the disclosure of their own records for outpatient SUD treatment. However, concurrent authorization from both the minor and a parent is required for **inpatient** SUD records.
- **Public Safety:** If a patient makes a specific, imminent threat to cause serious bodily injury or death to an identifiable person, facts necessary to alleviate that threat may be disclosed.

- **Oversight:** Records may be shared with the [Virginia Office of the State Inspector General](#) or Community Services Boards (CSBs) for pre-admission screening and discharge planning.

### 3. Patient Rights

Under [HIPAA and Part 2](#), you have the right to:

- **Inspect and copy** your own SUD records.
- **Request an amendment** to your records if you believe they are inaccurate.
- **Request an accounting of disclosures** made without your written authorization.
- **Revoke consent** for future disclosures at any time, except to the extent action has already been taken.
- **Rights & Breach:** Patients retain the right to an accounting of disclosures. Any unauthorized breach requires notification under the HIPAA Breach Notification Rule

### 4. Reporting Violations

Violation of federal law and regulations by a program is a crime. Suspected violations may be reported to the U.S. Department of Health and Human Services (HHS) or the [Virginia Department of Behavioral Health and Developmental Services \(DBHDS\)](#).