



Substance Abuse and Mental Health  
Services Administration

5600 Fishers Lane • Rockville, MD 20857  
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February 2, 2022

Dear Tribal Leader:

This letter serves as an invitation to the U.S. Department of Health and Human Services (HHS) Office for Civil Rights (OCR) and the Substance Abuse Mental Health Services Administration (SAMHSA) Virtual Tribal Consultation on Confidentiality of Substance Use Disorder (SUD) Patient Records, 42 CFR part 2 (Part 2). This consultation will be held on March 10, 2022, from 4:00 p.m. to 5:00 p.m., EST.

The Part 2 Confidentiality Consultation will provide an opportunity for HHS to inform Tribes about the Part 2 regulation and changes, receive comments, and answer questions on these issues. Specifically, the consultation will address:

- A. Background of 42 CFR Part 2 and current regulation
- B. Changes to the statute authorizing the Part 2 regulations made by section 3221 of the Coronavirus Aid, Relief, and Economic Security (CARES) Act, such as:
  - A single prior consent for all future uses and disclosures of Part 2 records for treatment, payment, and health care operations
  - Permitted re-disclosures of records by Part 2 programs and entities regulated under the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule
  - Strengthened restrictions on the use and disclosure of records in legal proceedings against patients
  - New breach notification requirements
  - New civil and criminal penalties for violations of Part 2
- C. HHS rulemaking

The Part 2 Confidentiality Consultation will furthermore provide a forum for Tribes to collectively share their views and priorities with HHS officials about the federal requirements for confidentiality of SUD patient records. This consultation intends to provide a venue for a two-way conversation between Tribal leaders and HHS officials that will lead to recommendations for Part 2 regulatory analysis and proposals.

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HHS understands the importance of hearing from Tribes on national and regional issues, as well as Tribal-specific concerns. You can register for the Part 2 Confidentiality Consultation at the following link:

<https://www.zoomgov.com/meeting/register/vJlscu-qqTltGUXBiMLi07vFjxGHV7zpISU>

HHS will also accept written comments for the administrative rulemaking record from Tribes. Comments can be emailed to [TribalConsultation@samhsa.hhs.gov](mailto:TribalConsultation@samhsa.hhs.gov). The consultation record will remain open for 30 days after the Part 2 Confidentiality Consultation.

Thank you for your continued support of the consultation process. SAMHSA looks forward to your participation and ongoing partnership. Please contact CAPT Karen Hearod, Director, Office of Tribal Affairs and Policy, at 202-868-9931 or at [otap@samhsa.hhs.gov](mailto:otap@samhsa.hhs.gov) with any further questions.

Sincerely,



Miriam E. Delphin-Rittmon, Ph.D.  
Assistant Secretary for Mental Health  
and Substance Use