



What Parents and Caregivers Need to Know About Privacy & Their Adult Child's Substance Use Treatment Records

When someone you love is struggling with a substance use disorder, you want to do everything possible to help. But you may find that treatment providers are sometimes unable to share information about your adult child's care — and wonder why.

A federal regulation called **42 C.F.R. Part 2 (or "Part 2")** sets rules about what information can be shared about a person's substance use treatment, including who can receive that information and when.

For parents and caregivers who are deeply invested in their adult child's recovery, or who are concerned about their health and wellness, these rules can be frustrating.

This resource answers common questions parents and caregivers have about what Part 2 means for them and how they can continue to support their adult child's recovery.

The remainder of this resource will refer to those Part 2 Programs and records as “*substance use treatment programs*” or simply “*covered programs*.” Part 2 records may also be called “*substance use treatment records*” or “*records*.”

For more information about Part 2, what it protects, and who must follow the law, visit:
<https://coephi.org/about-the-laws/42-cfr-pt-2/>



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What substance use treatment programs must follow this law (Part 2)?

It is important to remember that Part 2 does not apply to all healthcare providers that provide treatment for substance use disorders. Part 2 applies only to facilities or providers that meet the definition of a “Part 2 program.” **For more information about Part 2, the information it protects, and who must follow the law, please see:** <https://coephi.org/about-the-laws/42-cfr-pt-2/>

To qualify as a Part 2 program, facilities or providers must meet certain criteria. One of those criteria requires the facility or provider to be “federally assisted,” meaning that the facility or provider receives federal funding, has tax-exempt or non-profit status, or is licensed by a federal agency.

NOTE:

Part 2 specifically does not apply to the Department of Veteran Affairs (the “VA”) in providing hospital care, nursing home care, and certain other services.

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What information about your adult child’s substance use treatment is protected by Part 2?

Any information created or received by a treatment program that would identify a person as having or having had a substance use disorder. Examples of information protected by this law include diagnosis, treatment information, and information about referrals for treatment, billing information, emails, voice mails, and texts.

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When can a parent (or other family, friends, or informal caregivers) access their adult child’s substance use treatment records?

Your adult child has the right to decide what information can be shared about them and with whom, *including* substance use treatment records that were created when they were minors. A provider can share substance use treatment records with family, friends, and informal caregivers **only** when your adult child gives that provider written consent to do so.

4**At what age does Part 2 consider a person to be an “adult?”**

Once a child reaches the age of majority in the state where they are a resident, they are considered a legal adult under Part 2. In most states the age of majority is 18 years old. Some states may also consider an individual an adult if they are married, have a child, are in the military, or have been declared emancipated.

5**Can parents contact their adult child’s healthcare providers?**

Yes. You are allowed to contact your adult child’s provider to share your concerns so that the provider may take that information into account when administering care. However, unless your adult child’s consent has been obtained, the provider may be unable to share information about their treatment with you or even confirm that your adult child is receiving treatment.

KEY POINT:

Even if the provider decides not to act on the information, remember that you can share information about your adult child’s condition with their healthcare provider. Of course, you will want to use your best judgement when making decisions about the frequency or under what circumstances you want to contact your adult child’s healthcare provider.

6**Will I be able to confirm if my adult child is admitted to a treatment facility?**

Yes, but only if the provider has obtained your adult child’s written consent to share their information with you.

7**Can a healthcare provider discuss my adult child’s substance use treatment records over the phone with me or their friends, family, or caregivers?**

Yes, but only if the provider has obtained your adult child’s written consent to share their substance use treatment records with the individual or individuals requesting the information. When a program has obtained consent to share a patient’s substance use treatment records, that information may be shared face-to-face, over the phone, or in writing.

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Do parents have any right to access their adult child's substance use treatment records if their parents pay for their care?

No. Part 2 does not grant parents the right to access the substance use treatment records of their adult child because they pay for their care.

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Can a healthcare provider share my adult child's substance use treatment records with me if I am legally designated as my adult child's personal representative?

In some cases, yes. If the court determines that your adult child is lacking capacity to make their own healthcare decisions and designates you as their personal representative, then you access your adult child's substance use treatment records and sign consent forms to share those records on your adult child's behalf.

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What is a Part 2 patient consent form and how can my adult child use it to allow the program to share their substance use treatment records with me?

When your adult child receives services from a Part 2 program, they may be given a document with space to write who may share their substance use treatment records (e.g., the Part 2 program), who may receive records from the program (e.g., you or another caregiver), and what information from those substance use treatment records may be shared (e.g., your adult child's status as a patient of the treatment program). If your adult child chooses to allow the treatment program to share their substance use treatment records with you, your adult child will need to write your name in the space identifying you as a recipient.

KEY POINT:

It can be helpful to have conversations early and often with your adult child about the potential benefits of identifying you as a recipient of their substance use treatment records as part of the patient consent process.

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What should be included in a Part 2 patient consent form and how long does it last?

A valid Part 2 patient consent form must include to share substance use treatment information:

- The name of the patient
- Who can share the patient's substance use treatment records
- Who can receive the patient's substance use treatment records
- What information can be shared
- The purpose of sharing
- How the patient can cancel (revoke) consent
- An expiration date or event
- Patient's signature (or authorized representative, if applicable)
- Date signed

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How does Part 2 interact with other federal and state policy laws?

Part 2 creates heightened privacy protections for substance use treatment records created or received by a substance use treatment (Part 2) program. If another federal or state privacy law also protects substance use disorder treatment information, the more protective law applies.

ADDITIONAL SOURCES OF SUPPORT FOR PATIENTS, PARENTS, & CAREGIVERS

- Dial 988 on any phone to reach the National Suicide and Crisis Lifeline
- Contact national organizations that provide support to people dealing with substance use conditions:
 - [Faces and Voices of Recovery](#)
 - [The National Federation of Families](#)

For More Information

Resources:

This resource is one of many that are available within the Center of Excellence for Protected Health Information's [resource library](#).

Request Technical Assistance:

You can request brief, individualized technical assistance and join our mailing list for updates, including news about the publication of new resources and training opportunities [on our website](#).

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This resource was supported by SAMHSA of the U.S. Department of Health and Human Services (HHS) as part of a financial assistance award with 100 percent funded by SAMHSA/HHS. The contents are those of the author(s) and do not necessarily represent the official views of, nor an endorsement, by SAMHSA/HHS, or the U.S. Government