

PENNSYLVANIA CHANGES TO SUBSTANCE USE DISORDER CONFIDENTIALITY REQUIREMENTS

On July 7, 2022, Act 33 was signed into law and PA specific confidentiality regulations will no longer apply (4 Pa. Code § 255.5). Pennsylvania's SUD confidentiality requirements are now consistent with Federal Law. Under the Confidentiality of Substance Use Disorder Patient Records regulations at 42 CFR Part 2 ("Part 2") the federal confidentiality provisions apply to your SUD programs, and disclosures of Member information is now permitted under specific circumstances. Members who receive SUD treatment in the Networks programs will be contacted to voluntarily participate in surveys by the Consumer Satisfaction Team (CST). We wanted to remind our network that CST is a critical partner, and a contractual requirement of the HealthChoices program and they will continue to reach out to Programs.

After review of the new Act, CBH has determined that sharing of Member names for survey purposes that have engaged in SUD treatment is permissible under the regulations and aligns with the work of CST to help ensure member satisfaction with services. Under 42 CFR § 2.53 (d), information can be shared with entities for conducting audits or evaluations such as through the CST. We want to make you aware to provider greater context, in the event that CBH members have questions regarding their engagement with CST for survey purposes.

This notice is simply to help reinforce the important work being done by CST, and to clarify the role of Act 33 in also supporting the process of this important work.