

**Client Acceptance of Secondary (Incidental) Disclosure(s)
Substance Use Prevention and/or Treatment Services**

I, _____ (print name), accept and recognize that both 42 Code of Federal Regulations (CFR) Part 2 and HIPAA Privacy Rule require SU prevention and/or SUD treatment programs (Program(s)) to take practical protections and safety measures to protect my private healthcare information (PHI).

General privacy values initiated in state and federal law are not intended to forbid the treatment team from talking to each other and/or to their clients. Practical protections should be used to avoid sharing client information with others not involved in the client case and at times, minor amounts of client information may be disclosed to people near where the client care is delivered or being coordinated. This is referred to as ***secondary (incidental) disclosure***.

Clients in Programs usually see one another at the program sites and may even talk together. They are free to talk about their own client-identifying information to other clients or anyone else without violating the privacy laws. Federal and state law restrict only the treatment Program's disclosure and use of information. Clients' free talk between themselves is nothing but a self-disclosure which 42 CFR Part 2 and HIPAA do not control.

Program group sessions require clients to enter their name on a group sign-in sheet for each scheduled group session. Because clients see one another's' names on the sheet, the sign-in sheet reveals the identities of other clients. This is not self-disclosure by the client. The Program's requirement that the client sign in changes the clients' self-disclosure into a disclosure by the Program.

The *required* disclosure is only allowed if it meets one of the exceptions in 42 CFR Part 2 and HIPAA. HIPAA does have an important exception. HIPAA permits the use of sign-in sheets as a "secondary" disclosure as long as the least amount of information needed for the sign-in sheet is used. 42 CFR Part 2 has no exception for *secondary* disclosures. 42 CFR Part 2 *requires the client to provide written consent* to disclose their names to other clients through a sign-in sheet.

I accept that I must take reasonable precautions to protect and respect the privacy of others in this service setting and that I will take reasonable precautions to not violate other client confidential information that I may hear while in a group setting conducted by Program staff.

Name of SU Service Provider: _____

Client Signature/Printed Name: _____ Date: _____

Staff Signature/Printed Name: _____ Date: _____