Are your SBIRT services subject to federal confidentiality rules for substance use disorder ("SUD") records, known as "42 CFR Part 2" or "Part 2"? Use this decision tree to find out.

You can also get helpful information by reading Tool #1 Fact Sheet.
DOES 42 CFR PART 2 APPLY TO YOUR SBIRT SERVICES?

Start

Do you provide SBIRT services in a “federally assisted” Part 2 “program”?

Not sure?
Continue to find out. A Part 2 “program” could be an individual, group of individuals, unit, or whole facility.

YES
Part 2 applies to your SBIRT services.

NO
Stop! Part 2 does not apply to your SBIRT services.

Are your SBIRT services provided by

YES
Your SBIRT services are provided by

• an individual or entity that holds itself out as providing and provides SUD diagnosis, treatment, referral for treatment, or prevention (other than SBIRT)?
  or

• an identified unit in a general medical facility which holds itself out as providing and provides SUD diagnosis, treatment, or referral for treatment (other than SBIRT)?
  or

• medical personnel or other staff in a general medical facility whose primary function is the provision of SUD diagnosis, treatment, or referral for treatment (other than SBIRT) and who are identified as such?

NO
Stop! Your SBIRT services are not provided by a Part 2 “program.” Part 2 does not apply to your SBIRT services.

Is your “program”:

YES
Your “program” is “federally assisted.” Part 2 applies to your SBIRT services.

NO
Stop! Your “program” is not “federally assisted.” Part 2 does not apply to your SBIRT services.

The tools in this series are useful even for SBIRT providers who are not required to follow Part 2; they may need to communicate with programs who are. Also make sure to learn about other applicable confidentiality laws, such as HIPAA and state privacy laws.