Information summarized from: *Frequently Asked Questions: Applying the Substance Abuse Confidentiality Regulations to Health Information Exchange (HIE)*. Prepared by the Legal Action Center for the Substance Abuse and Mental Health Services Administration, U.S. Department of Health and Human Services.

Federal law permits patient information to be disclosed to Health Information Organizations (HIOs) and other health information exchange (HIE) systems, with some exceptions. Identifying information may only be made available to an HIO for exchange if a patient signs a consent form authorizing the program to disclose the information to the HIO, or if a Qualified Service Organization Agreement (QSOA) is in place between the program and the HIO. Patient consent is also required for information stared in the HIO to be transmitted to another participating provider. These restrictions on disclosure apply to any information disclosed that would identify the person, either directly or indirectly, as having a current or past drug or alcohol problem or as being a patient in a program. An HIO may release demographic information without patient consent only if the demographic information does not reveal any information that would identify the person.

These restrictions on HIOs apply to organizations or information exchanges that:

- Provide the infrastructure to exchange patients' health records among entities participating in the HIO network and facilitate the exchange of patients' electronic health information;
- Serve as a data repository that holds or stores patient records supplied by entities participating in the HIO network, and then makes them available for exchange in response to participants' requests for such records;
- Provide a record locator service for HIO participants and match individuals to their health records from different locations; or
- Review and respond to requests for patient records from HIO participating providers.

A written consent to a disclosure must be in writing and include all of the following items:
1) The specific name or general designation of the program or person permitted to make the disclosure;
2) The name or title of the individual or the name of the organization to which disclosure is to be made;
3) The name of the patient;
4) The purpose of the disclosure;
5) How much and what kind of information to be disclosed;
6) The signature of the patient and, when required for a patient who is a minor, the signature of a person authorized to give consent, or when required for a patient who is incompetent or deceased, the signature of a person authorized to sign in lieu of the patient;
7) The date on which the consent is signed;
8) A statement that the consent is subject to revocation at any time except to the extent that the program or person which is to make the disclosure has already acted in reliance on it; and
9) The date, event or condition upon which the consent will expire if not revoked before.

Additionally, an HIO affiliated provider and/or the HIO must always obtain a minor's consent before the provider can gain access to the minor's record. *Parental consent for a disclosure is required in addition to the minor's only if the program is required by state law to obtain parental consent before providing alcohol or drug treatment to the minor.*