



**Counsel's Guidance on 42 CFR Part 2 Consent for OASAS Programs Referring Patients Externally for the COVID-19
Vaccination**

42 CFR Part 2, the federal confidentiality law, requires that SUD providers cannot disclose information that will either directly or indirectly identify an individual as someone who has received, is currently receiving, or has been referred for, SUD treatment.

Information about an individual can be disclosed, subject to HIPAA provisions, if the entity does not disclose that the subject individual is in SUD treatment. If it will be clear that the referring entity is an SUD provider, that provider will need to obtain a 42 CFR Part 2 consent to disclose the client's information to the entity providing the vaccination. If the referring entity can make the referral without identifying itself as an SUD provider, or the referred individual as an SUD client, 42 CFR Part 2 does not apply.

A handwritten signature in black ink, appearing to read "Trisha R. Schell-Guy".

Trisha R. Schell-Guy
Acting General Counsel