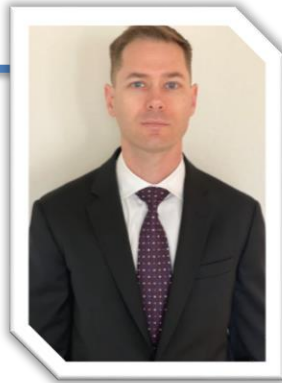


# 42 CFR Part 2 – Legal Update



## Instructors

*Linda J. Garrett, ESQ*  
*Andrew Garrett, ESQ*

## Instructor Information:

Linda Garrett is a risk manager and has practiced as a medical malpractice defense attorney for a law firm in San Francisco, California. She is a graduate of the University of California, Berkeley and University of California Hastings College of the Law. Ms. Garrett has been providing risk management services to healthcare facilities and providers for over 25 years.

Andrew Garrett is an active licensed lawyer and a risk management consultant. He is a graduate of the University of California, Hastings College of the Law and has professional experiences in healthcare law.

## Course Description:

42 CFR Part 2 Legal Update will focus on the federal and state confidentiality laws applicable to substance use disorder records, minor consent and control of the record, access and other rights, and HIPAA security requirements. The training will also feature an examination of the exceptions to confidentiality that permit limited disclosures.

**Date:** April 11, 2023

**Time:** 8:45am-12:00pm

**Location:** Virtual training- link will be sent to registrants

**RUHS-BH Staff - Please register for this course via COR at <http://corlearning.rc-hr.com>**

**All other interested partners, please visit [www.rcdmh.org/wet](http://www.rcdmh.org/wet)**

**Free to all registered participants**

**Continuing Education Credits:** This course meets the qualifications for 3 continuing education units/credits/hours.

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8:45am – 12:00pm

**Course Description:** 42 CFR Part 2 Legal Update will focus on the federal and state confidentiality laws applicable to substance use disorder records, minor consent and control of the record, access and other rights, and HIPAA security requirements. The training will also feature an examination of the exceptions to confidentiality that permit limited disclosures.

**Instructor Information:** Linda Garrett has been providing risk management services to healthcare facilities and providers for over 25 years. As the loss prevention consultant for the CSAC Excess Insurance Authority Medical Malpractice Programs, she provides services to over 50 California public entity health, mental health, and correctional healthcare programs, as well as to several county hospitals in California. She also consults with a group of Nevada rural hospitals, providing similar education and loss prevention services. She trains providers and administrative staff on a variety of medical/legal topics including consent, charting, mandated reporting, involuntary mental health treatment, patients' rights, and federal and state medical confidentiality laws (including HIPAA/HITECH Act, and 42 CFR Part 2). Before working as a risk manager, Ms. Garrett practiced as a medical malpractice defense attorney for a law firm in San Francisco, California. She is a graduate of the University of California, Berkeley and UC Hastings College of the Law.

Andrew Garret has provided risk management consultations since 2017 including presenting trainings to healthcare professionals with a focus on patient privacy and patient rights. Mr. Andrew prior to working as a risk management consultant provided legal assistance in personal injury law with an emphasis on pre-litigation settlements. Andrew received his Juris Doctorate in 2016 at the University of California, Hastings College of the Law and is practicing Lawyer at Garrett Law LLP.

**Audience:** RUHS-BH Clinical Therapists and other treatment staff. LMFTs, LCSWs, LPCCs, associate-level and support staff providing client care in the public behavioral health system. Level of presentation: intermediate - applicable to participants with working knowledge of the topic.

**Seat #:** 80

**Location:** Virtual training- link will be sent to registrants

### **Educational Goals:**

1. Learn the importance of the definition of "lawful holder" and how to segregate SUD records from other behavioral health and physical health records.
2. Learn when it is appropriate to disclose records to other team members within a program, and when records may be disclosed to third parties such as insurance companies, other providers and programs, and lawyers.
3. Learn what content is necessary for various consent forms and the Notice of Privacy Practices (NPP) that are given to the client, as well as the disclosure warning.

**Learning Objectives:**

1. Participants will be able to describe the HIPAA and Part 2 privacy protections and rights that attach to Part 2 substance use disorder records, including the right to receive a NPP, and to access the record.
2. Participants will be able to discuss four (4) exceptions to privacy that would permit the use or disclosure of SUD records without the need for written patient consent.
3. Participants will articulate the required elements of a §2.31 consent form, and how those elements differ when using a criminal just §2.35 consent form.
4. Explain what a Part 2 program is, and the laws that apply to records created by such programs and to the records of “lawful holders” of SUD information;
5. Participants will understand when and how the criminal justice consent form should be used;
6. Participants will describe recent modifications to exceptions in the case of bona fide medical emergencies
7. Participants will describe how the definition of lawful holder changes when a non-Part 2 program provider receives SUD information orally and how that differs from receiving written information
8. Participants will describe best practices for sharing information amongst members of a multi-disciplinary team; and understand who has the right to access the record in the case of minor patients.

**Course outline:**

<b>8:45am - 9:30am</b>	Overview of applicable confidentiality laws and administrative requirements; HIPAA purpose, history and definitions
<b>9:30am - 10:15am</b>	Review history and applicability of Part 2; review permitted uses and disclosures of information and the use of BAA's and QSOA's
<b>10:15am - 10:30am</b>	<b>Break (NON-CE)</b>
<b>10:30am - 10:45am</b>	Disclosures with Authorization/Written Consent
<b>10:45am - 11:00am</b>	Disclosures without Authorization (exceptions to privacy)
<b>11:00am - 11:45am</b>	Recent developments and anticipated changes in Part 2 and HIPAA
<b>11:45am - 12:00pm</b>	Questions and Answers; Discussion

**This course meets the qualifications for 3 continuing education units/credits/hours.**

**Continuing Education:** Course meets the qualifications for 3 hours of continuing education credit for LMFTs, LCSWs, LPCCs, and/or LEPs as required by the California Board of Behavioral Sciences. Riverside University Health System-Behavioral Health is approved by the California Association of Marriage and Family Therapists to sponsor continuing education for LMFTs, LCSWs, LPCCs and/or LEPs. Riverside University Health System-Behavioral Health maintains responsibility for this program/course and its content.

CAMFT approved continuing education provider number: 1000060

Provider approved by the California Board of Registered Nursing, Provider # CEP17400 for 3 Contact Hours.

Provider approved by CCAPP-EI, Provider Number 3-22-341-0424 for 3 CEH'S.

Mailing address: Riverside University Health System-Behavioral Health (RUHS-BH), Workforce Education and Training (WET), 2085 Rustin Ave., Riverside, CA 92507.

**Requesting Continuing Education:** Participants interested in receiving continuing education credit or a certificate of participation should contact Sujei Larkin via email at [glarkin@ruhealth.org](mailto:glarkin@ruhealth.org). Please include the following information in your email request: full name, title of training, and certification or license number. For in-person courses, certificates will be issued immediately after the completion of the course. For distance learning courses, certificates will be issued via email or by mail within five (5) business days after the completion of the course and receipt of required documentation.

**Attendance Policy:** Participants who arrive to the course after the scheduled start time may not be admitted. To receive continuing education credit for a course, participants must attend the entire scheduled time. Participants who arrive late, leave early or return late from lunch/breaks will not receive continuing education credit. To receive credit, participants cannot miss more than 15 minutes total of instruction. **There is no partial credit issued.**

**Enrollment/Registration Policy:** RUHS-BH Staff should register for this course via COR Learning Management System (<http://corlearning.rc-hr.com/>). The enrollment deadline is three (3) business days prior to the course start date (excluding holidays and weekends). All other interested partners, please visit [www.rcdmh.org/wet](http://www.rcdmh.org/wet).

**Cancellation and Refund Policy:** Registration must be cancelled on or before three (3) business days prior to the course start date (excludes holidays and weekends). Riverside University Health System-Behavioral Health does not currently charge fees for continuing education courses or activities sponsored by our agency. Therefore, no refund policy or procedure is currently in affect.

**Grievances:** Please contact training coordinator Taide Arias at [TArias@ruhealth.org](mailto:TArias@ruhealth.org) or 951-955-7265 for questions or concerns about this activity or facilities, or to request a copy of our grievance policy and procedures. Riverside University Health System-Behavioral Health follows all applicable local, state, and federal standards, including the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §§ 12101-12213 (2008).