

## Drug and Alcohol System Significant Laws that Affect Child Welfare

### **Federal:**

The Health Insurance Portability and Accountability Act of 1996 (HIPAA), 45 CFR Parts 160 and 164, Parts A and E (related to the Administrative Simplification provisions)

Many individuals in many Human Services agencies, including Child Welfare, fall under the law's jurisdiction. HIPAA further clarified and set the confidentiality standards, within the D&A System relating to 42 CFR Part 2, of individuals receiving substance abuse treatment.

### The Privacy Rule

Issued in December 2000 by the Department of Health and Human Services (HHS), the Privacy Rule (by its full name know as the Standards for Privacy of Individually Identifiable Health Information), offers that those agencies that must comply with the confidentiality standards in HIPAA must comply with the stricter standards of the Privacy rule, except where conflicts arise in which case those agencies should refer to 42 CFR Part 2.

### **State:**

The Division of Drug and Alcohol and Program Licensing, Chapter 709, Subchapter C. General Standards for Free-Standing Treatment Activities, Interpretive Guidelines on the 28 PA Code 709.28. (relating to confidentiality)

This regulation further defines the confidentiality guidelines for information related to individuals in treatment.

