

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Department of Health**  
**Addiction Prevention and Recovery Administration**



**Guidance Bulletin for**  
**Substance Abuse Facilities and Programs Certified by**  
**the Addiction Prevention and Recovery Administration**

**Bulletin Number:** 2011-001

**Effective Date:** March 24, 2011

**Subject:** Transmission of Client Identifying Information by E-mail

**Purpose:** To provide guidance and set forth APRA's interpretation of CDCR 29-2329.7-Administrative Services: Patient Rights and Privileges as it relates to transmitting client identifying information by email.

**Statement:** CDCR 29-2329.7 states:

“A substance abuse treatment facility or program shall implement policies and procedures for the release of identifying information consistent with District laws and regulations regarding the confidentiality of patient records and Confidentiality of Alcohol and Drug Abuse Patient Records 42 CFR, Part 2.”

Records related to the identity, diagnosis, prognosis, or treatment of any client seeking or receiving substance abuse treatment services are confidential and protected by federal and District law. 42 CFR, Part 2 requires a client's prior written consent to enable a treatment program to release his or her alcohol and drug abuse treatment records. There are a limited number of circumstances in which substance abuse treatment providers may disclose drug and alcohol treatment records without a client's prior written consent. Those circumstances are limited to the following:

- If authorized by a court order signed by a judge,
- To medical personnel to the extent necessary to meet a bona fide medical emergency, or
- To qualified personnel for research, audit, or program evaluation activities.

In addition, the restrictions on disclosure and use do not apply to communications between provider personnel and law enforcement officers when a client commits or threatens to commit a crime either at the program or against any person who

works for the program. However, the information disclosed must be limited to the circumstances of the incident, the status of the client involved, his or her name and address, and his or her last known whereabouts. Similarly, the restrictions on disclosure and use do not apply to report incidents of suspected child abuse and neglect to the appropriate local authorities.

Under circumstances where the disclosure of drug and alcohol treatment records are authorized by client consent or where an exception to the requirement for client consent has been met, substance abuse treatment and recovery support service providers must adopt appropriate safeguards to protect against unauthorized disclosures. These safeguards shall include redacting client identifying information when transmitting client records using unencrypted electronic mail (email) systems. Client identifying information includes information such as first and last name, social security number, date of birth, and/or home address.

When using email to transmit client identifying information, providers must use a unique client identifier. Providers that are required to use the District Automated Treatment Accounting (DATA) system may use the client identifier generated by that system to identify the client in the email and any documents attached to the email (including in the name of attached files). Providers that are not required to use the DATA system may use first and last initials to identify an individual client.

Providers may not transmit attachments which include client identifying information in the name or body of the document. Such documents must be renamed using the unique client identifier, where available, or the client's initials, and all client identifying information in the body of the document must be redacted. If redaction of client identifying information from the name and/or body of the document will be unreasonably difficult or time consuming, then the provider must identify a more secure means of transmitting the document, such as mail, courier service, or confidential or monitored fax.

This Guidance Bulletin will remain in effect until it is revised or superseded by a subsequent APRA Guidance Bulletin.

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